

EXHIBIT 53

Deposition of Michael Malone
Chicago Police Department Fingerprint Examiner
Taken November 9, 2021



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Transcript of Michael Malone

Date: November 9, 2021
Case: Ezell, et al. -v- City of Chicago, et al.

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Transcript of Michael Malone
Conducted on November 9, 2021

1 (1 to 4)

1	IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION LASHAWN EZELL,) Plaintiff, Case No. 18 CV 01049 vs.) CITY OF CHICAGO, et al.,) Defendants. ----- LAROD STYLES, Case No. 18 CV 01053 Plaintiff, Consolidated with Ezell v City vs.) CITY OF CHICAGO, et al. 18 CV 1049 Defendants, ----- CHARLES JOHNSON, Case No. 18 CV 01062 Plaintiff, Consolidated with Ezell v City vs.) CITY OF CHICAGO, et al. 18 CV 1049 Defendants, ----- TROSHAWN McCOW, Case No. 18 CV 01068 Plaintiff, Consolidated with Ezell v City vs.) CITY OF CHICAGO, et al. 18 CV 1049 Defendants. 23 24	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24
1	DEPOSITION OF MICHAEL MALONE Conducted virtually Tuesday, November 9, 2021 10:00 a.m. CST (Proceedings ended at 2:18 p.m. CST) 7 Reporter: Angela C. Loisi, CSR, RPR, FCRR License No.: 084-004571 8 APPEARING REMOTELY FROM COOK COUNTY, ILLINOIS JOB NO. 406491 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

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2 (5 to 8)

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3 (9 to 12)

1 (Indiscernible simultaneous
2 colloquy.)
3 MR. MAIONE: Michael Maione on behalf
4 of Plaintiff Larod Styles.
5 MS. CANONIE: Carson Canonie on behalf
6 of Defendant City of Chicago.
7 MS. KATIE BARBER: Katie Barber for
8 the defendant officers.
9 MS. CHOI: Esther Choi for defendant
10 Alesia.
11 THE COURT REPORTER: And could you --
12 THE VIDEOGRAPHER: The court --
13 THE COURT REPORTER: -- raise your
14 right hand.
15 THE VIDEOGRAPHER: The court reporter
16 today is Angela Loisi representing Planet
17 Depos. Will the reporter please swear in the
18 witness?
19 (Witness sworn.)

19 (Witness sworn.)
20 WHEREUPON:
21 MICHAEL MALONE,
22 called as a witness herein, having been
23 first duly sworn, was examined and testified
24 as follows:

1 EXAMINATION
2 BY MS. TARABISHY:
3 Q. Good morning, Mr. Malone. My name is
4 Noor Tarabishy. I'm one of the plaintiffs
5 for -- I'm one of the attorneys for Plaintiff
6 Charles Johnson in this case.
7 Would you please state your name for
8 the record?
9 A. **Michael Malone.**
10 Q. Before we get started, I'd like to go
11 over some ground rules with you. You are
12 under oath today, just as if you were
13 testifying in court, but without the judge and
14 jury. Do you understand that?

15 A. Yes.
16 Q. We are conducting the deposition
17 remotely today. Do you understand that you
18 must still testify truthfully as if we were in
19 the same room?

20 A. Yes.
21 Q. We have a court reporter recording
22 this deposition, so you must answer questions
23 clearly and unambiguously as opposed to
24 nodding your head, nodding or shaking your

- 1 head. Do you understand that?
- 2 **A. Yes.**
- 3 Q. Make sure you understand each question
- 4 before you answer. If you don't understand a
- 5 question I ask, please let me know and I'll
- 6 rephrase. If you answer, I will assume that
- 7 you understood my question, okay?

8 **A. Yes, mm-hmm.**

9 Q. And let me know if you're having
10 technical difficulties or having trouble
11 hearing me, okay?

12 **A. Okay.**

13 Q. Your attorney or other attorneys might
14 make objections. But as you can see, there's
15 no judge to rule on these objections. So
16 after pausing to let the objection get stated
17 for the record, you can go ahead and answer
18 the question, okay?

19 A. Okay.
20 Q. Let me know if you need a break at any
21 time, but we just can't take a break with a
22 question pending.

23 A. Okay.
24 Q. Are you under a doctor's care for any

1 illness that would affect your ability to
2 testify?

3 A. No.
4 Q. Are you taking any medications that
5 would affect your ability to testify?
6 A. No.
7 Q. Is there any reason whatsoever that
8 you cannot give full and accurate testimony
9 today?

10 A. No.

11 Q. Have you ever given a deposition
12 before?

13 A. Yes.

14 Q. How many times?

15 A. Once.

16 Q. And when was that?

17 A. Approximately 1994 or '95. I'm not

18 exactly sure. I can't recall exactly when.
19 Q. What was your involvement in that
20 case?
21 A. My wife at that time was -- was
22 employed by the Chicago Park District, and I
23 don't recall the -- the specifics of
24 why -- you know, what the case exactly

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4 (13 to 16)

	13		15
1 involved, but...		1 BY MS. TARABISHY:	
2 Q. Were you a party to that lawsuit?		2 Q. The case that brings us here today on	
3 A. No.		3 the matter of Charles Johnson, how well did	
4 Q. And you're being represented by an		4 you remember your involvement in Charles	
5 attorney today in this deposition; correct?		5 Johnson's postconviction fingerprint	
6 A. Yes.		6 re-examination before you met with Ms. Canonie	
7 Q. Who is that attorney?		7 or reviewed the documents?	
8 A. Carson Canonie.		8 MS. CANONIE: Objection; form,	
9 MS. CANONIE: Good job.		9 foundation.	
10 BY MS. TARABISHY:		10 You can answer.	
11 Q. What, if anything, did you do to		11 THE WITNESS: I didn't remember much	
12 prepare for this deposition?		12 about it at all, other than I worked on the	
13 A. I spoke with Ms. Canonie.		13 case.	
14 Q. How many times?		14 BY MS. TARABISHY:	
15 A. Twice.		15 Q. And did your reviewing the documents	
16 Q. How long was each meeting or call?		16 help refresh your recollection as to the work	
17 A. Approximately two hours or so.		17 that you did on the case?	
18 Q. For each?		18 A. Yes.	
19 A. Yes.		19 Q. What did you remember about the case	
20 Q. Who else was present?		20 before?	
21 A. At the first one there were -- there		21 I know you said it's not much, but	
22 was another person present, but I don't recall		22 what was your recollection about the case?	
23 who.		23 MS. CANONIE: Objection; form.	
24 MS. CANONIE: I can -- it was Dan		24 THE WITNESS: Just that I worked on	
	14		16
1 McGinnis [phonetic] from our office.		1 that particular case.	
2 BY MS. TARABISHY:		2 BY MS. TARABISHY:	
3 Q. And at the other?		3 Q. Did you discuss this lawsuit with	
4 A. Just me and Ms. Canonie.		4 anyone other than your attorneys?	
5 Q. Did you review any documents to		5 A. No.	
6 prepare?		6 Q. Are you currently employed?	
7 A. Yes, yes.		7 A. Yes.	
8 Q. What were those documents?		8 Q. Where?	
9 A. Those were exhibits of photos of		9 A. City of Chicago Police Department.	
10 latent impressions.		10 Q. And what is your job title?	
11 Q. Did you author or sign any of those		11 A. Fingerprint technician.	
12 documents that you reviewed?		12 Q. The same position that you held in	
13 A. I had markings on -- on some of them,		13 2009?	
14 yes.		14 A. No.	
15 Q. Did you review any photographs?		15 Q. So what are your current job duties?	
16 A. Yes.		16 A. Basically to compare the prints	
17 Q. Do you remember what those were?		17 of -- from subjects who are booked in the	
18 A. Photos of -- of latent impressions.		18 various Chicago police district lockups, and	
19 Q. Any court documents or transcripts?		19 compare their prints through the -- in the	
20 A. No.		20 AFIS system as to -- as to prints that the	
21 Q. How well do you remember this case		21 AFIS system generates to compare those prints	
22 before you met with your attorney or reviewed		22 as to whether that subject has or has not been	
23 the documents?		23 arrested based on his fingerprints.	
24 MS. CANONIE: Objection; form.		24 Q. And how does that differ from the	

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5 (17 to 20)

	17	19
1 position that you held in 2009?		1 dates for each position?
2 What was your position in 2009?		2 A. Upon employment I -- I entered the
3 MS. CANONIE: Objection; form.		3 police academy, and in May of 1991, and then
4 You can answer.		4 in approximate -- about October of 1991, I was
5 THE WITNESS: I was a latent print		5 assigned to the 4th District for field
6 examiner at that time, and I compared		6 training, was a field training officer. And I
7 fingerprints, latent prints		7 was in the 4th District in patrol until
8 for -- from -- as -- which was evidence from		8 approximately sometime in 1992 where I was
9 crime scenes to prints of the fingerprint		9 transferred to the 22nd District, and I
10 cards of suspects and/or submitted the		10 remained in the 22nd District in patrol and
11 fingerprints to AFIS, and compared the AFIS		11 the gang tactical unit until 2002 when I
12 candidate list to the unknown fingerprints.		12 joined the -- the latent print unit, and I
13 THE COURT REPORTER: I'm sorry. Are		13 remained there until I retired in -- yes,
14 you saying "AFIS"?		14 2019, January.
15 THE WITNESS: I'm sorry?		15 Q. Why did you retire in 2019 from the
16 THE COURT REPORTER: Are you saying		16 latent print unit?
17 AFIS, fingerprints to AFIS?		17 MS. CANONIE: Objection; form.
18 THE WITNESS: AFIS, yes.		18 THE WITNESS: Oh, yeah, I was just
19 BY MS. TARABISHY:		19 ready to retire.
20 Q. AFIS, A-I- -- A-F-I-S --		20 BY MS. TARABISHY:
21 A. Yes.		21 Q. Why did you come back in September
22 Q. -- correct?		22 of 2021?
23 A. Yes.		23 A. Oh, I just happened to hear about the
24 Q. And in your current position, you are		24 availability of the job, which -- which is,
	18	20
1 not comparing prints recovered from a crime		1 you know, somewhat similar to the job that I
2 scene to known standards or entering them		2 had before involving comparison of
3 through AFIS. Did I understand that		3 fingerprints. So I thought I'd be comfortable
4 correctly?		4 doing it and just applied for it.
5 MS. CANONIE: Objection; form.		5 Q. Did you receive any training prior to
6 BY MS. TARABISHY:		6 becoming a latent print examiner?
7 Q. You can go ahead and answer.		7 A. Yes.
8 A. Yes, that's correct. Yes.		8 Q. What was that training?
9 Q. What year -- you previous -- you're		9 MS. CANONIE: Objection; form.
10 still working for the Chicago Police		10 You can answer.
11 Department; correct?		11 THE WITNESS: I was trying to -- at
12 A. Yes.		12 the Chicago police academy by a retired
13 Q. What year did you join?		13 fingerprint expert, or retired latent print
14 A. Well, I originally, as a latent print		14 examiner who was considered a fingerprint
15 examiner, I retired from that job in 2019.		15 expert. And the pattern recognition,
16 And then I was just recently reemployed in		16 fingerprint pattern-type recognition in the
17 September of this year. So...		17 analysis, and -- analysis of fingerprint,
18 Q. What year did you originally join the		18 comparison of fingerprints, and the valuation
19 Chicago Police Department the first time you		19 of -- of fingerprints.
20 were employed by the City of Chicago?		20 BY MS. TARABISHY:
21 A. Yes, 1991.		21 Q. Who was the fingerprint expert that
22 Q. Can you walk us through the different		22 you trained with?
23 positions that you held at the Chicago Police		23 A. Beatrice Patterson was one of them,
24 Department and the relative -- roughly the		24 and also, a John Lesniak.

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6 (21 to 24)

	21	23
1 Q. How long was that training?	1 tests, yes.	
2 A. Approximately three months.	2 BY MS. TARABISHY:	
3 Q. And after the training concluded, did	3 Q. Was that a requirement in order to	
4 you then resume your position as a latent	4 continue to hold your position as a latent	
5 print examiner?	5 print examiner?	
6 MS. CANONIE: Objection; form.	6 MS. CANONIE: Objection; form.	
7 THE WITNESS: Yes.	7 BY MS. TARABISHY:	
8 BY MS. TARABISHY:	8 Q. Were these required --	
9 Q. Was there a period of time when you	9 A. Not to my knowledge.	
10 were working under supervision of a -- an	10 Q. Yes?	
11 experienced examiner and apprenticeship of	11 A. Yes, yes, yes.	
12 type?	12 Q. What did these proficiency tests look	
13 A. Yes.	13 like?	
14 Q. How long was that period?	14 A. They were comparisons of latent prints	
15 A. Approximately one year.	15 to known prints.	
16 Q. Did you have to take a test in order	16 Q. Did you receive any training in the	
17 to become a latent print examiner?	17 development of fingerprints?	
18 A. Yes.	18 MS. CANONIE: Objection; form.	
19 Q. Did you take that prior to starting	19 THE WITNESS: No.	
20 the training or after you finished the	20 BY MS. TARABISHY:	
21 training?	21 Q. Are you familiar with different	
22 A. No, prior to starting the training.	22 fingerprint development methods?	
23 Q. Can you describe that test?	23 MS. CANONIE: Objection; form.	
24 A. Yeah. They gave us a small study	24 THE WITNESS: Somewhat, yes.	
	22	24
1 guide, and the test consisted of some history	1 BY MS. TARABISHY:	
2 of fingerprints, some pattern type	2 Q. Do you have any knowledge about which	
3 recognition, and some portion of -- of Henry	3 method is appropriate for certain surfaces?	
4 Classification System.	4 MS. CANONIE: Objection; form.	
5 THE COURT REPORTER: I'm sorry. What	5 THE WITNESS: That, I don't recall.	
6 was it, Henry classification?	6 BY MS. TARABISHY:	
7 THE WITNESS: Yeah. The use of the	7 Q. Have you received any type of	
8 Henry Classification System. That's about it	8 certification as a latent print examiner?	
9 that I recall.	9 A. Yes.	
10 BY MS. TARABISHY:	10 Q. What is that certification called?	
11 Q. And did you have to take a periodic	11 A. I was a certified latent print	
12 proficiency test throughout your employment as	12 examiner, certified by the --	
13 a latent print examiner?	13 Q. Go ahead. I'm sorry.	
14 MS. CANONIE: Objection; form,	14 A. Certified by the International	
15 foundation.	15 Association For Identification.	
16 THE WITNESS: Could you repeat that	16 Q. When did you receive the	
17 one again?	17 certification?	
18 BY MS. TARABISHY:	18 A. The first time, I can't recall	
19 Q. Yes.	19 exactly, but I believe it was 2013 maybe or	
20 Did you have to take any periodic	20 2012, but I'm not -- you know, I'm not sure	
21 examinations when you were a latent print	21 exactly.	
22 examiner?	22 Q. Do you still hold that certification?	
23 MS. CANONIE: Objection; foundation.	23 A. Yes.	
24 THE WITNESS: We took some proficiency	24 Q. Did you have to take a test to get the	

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7 (25 to 28)

	25		27
1 certification?		1 BY MS. TARABISHY:	
2 A. Yes.		2 Q. So in a given year, fair to say that	
3 Q. Was it -- was this a one-time test or		3 you would have conducted around 1,000 or more	
4 something you needed to retake to maintain the		4 fingerprint examinations?	
5 certification?		5 MS. CANONIE: Objection; form, calls	
6 A. You take it the first time, and then		6 for speculation.	
7 to recertify you have to take it again after,		7 THE WITNESS: Yes, that's possible.	
8 I believe four or five years.		8 Yes.	
9 Q. And what did that test look like?		9 BY MS. TARABISHY:	
10 A. The original test consisted of		10 Q. Who was your supervisor in 2009?	
11 questions about the history behind		11 A. Carey Simon.	
12 fingerprinting, the use of the Henry		12 Q. What was his job title?	
13 Classification System, pattern type		13 A. Latent print -- latent print unit	
14 recognition, and definitions of terms of -- in		14 supervisor.	
15 the latent field, latent print field, and		15 Q. Was it Mr. Simon who would give you a	
16 comparisons of latent prints to known prints.		16 case assignment in 2009?	
17 Q. You mentioned the Henry Classification		17 A. Yes. Generally, yes.	
18 System. What is that?		18 Q. Have you ever received any awards or	
19 A. That is a form of classifying		19 recognition for your work as a latent print	
20 fingerprints to put them in an organized card		20 examiner at the Chicago Police Department?	
21 filing system.		21 A. Yes.	
22 Q. What was -- you said your job title in		22 Q. What were these?	
23 2009 was a latent print examiner; correct?		23 A. There were several, but I can't recall	
24 A. Yes.		24 any in -- in particular.	
	26		28
1 Q. What were your responsibilities in		1 Q. Do you know how many?	
2 that role?		2 A. I would say maybe around -- between	
3 A. To analyze prints, unknown prints from		3 five and ten at least, approximately.	
4 crime scenes, evaluate their -- their		4 Q. What was the reason you got any of	
5 usefulness for comparisons or entry into the		5 these awards or recognitions?	
6 AFIS system, and to compare prints, unknown		6 MS. CANONIE: Objection; form.	
7 prints against the prints of known subjects,		7 THE WITNESS: Usually the -- for	
8 either suspects or elimination prints, and to		8 identifying a suspect who was usually	
9 enter prints into the AFIS system to generate		9 prosecuted and found guilty in that particular	
10 a candidate list to find possible matches.		10 case.	
11 Q. How many cases did you work on per		11 BY MS. TARABISHY:	
12 year?		12 Q. Who presented an award or recognition	
13 A. Oh, I can't say exactly. I can't		13 to you?	
14 recall. Give you an approximate number...		14 MS. CANONIE: Objection; form,	
15 Q. Approximate number would be good.		15 foundation.	
16 A. It -- well, it would have been		16 THE WITNESS: Usually they were given	
17 hundreds, but I would say in the area of		17 to me by the supervising sergeant.	
18 approximately 200 or -- approximately.		18 BY MS. TARABISHY:	
19 Q. And each one of these cases could		19 Q. In 2009, was it part of your	
20 entail multiple fingerprint examinations;		20 responsibility to work on postconviction cases	
21 correct?		21 as well as active cases?	
22 MS. CANONIE: Objection; form, calls		22 MS. CANONIE: Objection; form,	
23 for speculation.		23 foundation.	
24 THE WITNESS: Yes.		24 THE WITNESS: Yes, if I was assigned	

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8 (29 to 32)

	29		31
1 such a case.		1 one?	
2 BY MS. TARABISHY:		2 MS. CANONIE: Objection; calls for	
3 Q. Throughout your work at the latent		3 speculation.	
4 print unit, how many postconviction cases did		4 THE WITNESS: It's possible, yes.	
5 you work on?		5 BY MS. TARABISHY:	
6 MS. CANONIE: Object to form; calls		6 Q. Have you testified in court in a role	
7 for speculation.		7 as a latent print examiner?	
8 THE WITNESS: I -- well, I don't		8 A. Yes.	
9 recall.		9 Q. How many times over the course of your	
10 BY MS. TARABISHY:		10 career?	
11 Q. Was it more than five?		11 A. I believe about 15 approximately, at	
12 MS. CANONIE: Objection. Same		12 least.	
13 objection.		13 Q. And have you qualified as an expert to	
14 THE WITNESS: I don't -- I don't think		14 testify in court in the field of latent print	
15 so. I don't think it would have been, but I		15 examination?	
16 don't recall.		16 MS. CANONIE: Objection; form,	
17 BY MS. TARABISHY:		17 foundation.	
18 Q. Do you recall that the Charles Johnson		18 THE WITNESS: Yes.	
19 case was a postconviction case, you were		19 BY MS. TARABISHY:	
20 reexamining prints that were generally		20 Q. Have you ever failed to qualify as an	
21 examined at that time of the criminal trial;		21 expert in the field of latent print	
22 correct?		22 examination at any time when you were called	
23 MS. CANONIE: Objection; foundation.		23 to testify in court?	
24 THE WITNESS: Could you repeat that		24 MS. CANONIE: Objection; form.	
	30		32
1 one again? I'm sorry.		1 THE WITNESS: No, no.	
2 BY MS. TARABISHY:		2 BY MS. TARABISHY:	
3 Q. You recall that the work you did for		3 Q. Before we get into the details of the	
4 this case, the Charles Johnson matter, was a		4 latent print examination that you did in this	
5 postconviction case; right?		5 case, I'd like to go over some of the terms	
6 MS. CANONIE: Objection; form,		6 used within the latent print unit to make sure	
7 foundation.		7 we're on the same page. Okay?	
8 THE WITNESS: At that time I -- I		8 MS. CANONIE: Noor, he would -- can we	
9 don't know whether I was aware of that or not.		9 have a quick break? He wants to grab some --	
10 I don't believe that I was, but I don't recall		10 or I can just pour him some water.	
11 exactly.		11 MS. TARABISHY: You would like to take	
12 BY MS. TARABISHY:		12 a break?	
13 Q. Did you work on -- but you are aware		13 MS. CANONIE: After he answers this	
14 of that today; right?		14 question, he needs some water, and I need to	
15 A. Yes, mm-hmm.		15 get it for him.	
16 Q. Did you work on any other		16 MS. TARABISHY: Yeah, of course.	
17 postconviction cases, other than the Charles		17 THE WITNESS: Okay. I'm sorry. Can	
18 Johnson matter?		18 you repeat that, then? I'm sorry.	
19 MS. CANONIE: Objection; asked and		19 BY MS. TARABISHY:	
20 answered.		20 Q. I was just saying that before I ask	
21 THE WITNESS: I don't recall.		21 you in detail about the work you did in this	
22 BY MS. TARABISHY:		22 case, we're going to go over some terminology	
23 Q. So it is possible that you have worked		23 to make sure we're on the same page, okay?	
24 on other postconviction cases other than this		24 A. Okay.	

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9 (33 to 36)

	33	35
1 MS. TARABISHY: We'll take a short 2 five-minute break.	1 would be left clear enough to be usable 2 evidence.	
3 THE VIDEOGRAPHER: Going off the 4 record at 10:36.	3 BY MS. TARABISHY: 4 Q. How long can a latent print remain on 5 the surface?	
5 (Whereupon, a recess was 6 had.)	6 MS. CANONIE: Objection; form, 7 foundation, calls for speculation.	
7 THE VIDEOGRAPHER: We are back on the 8 record at 10:37.	8 THE WITNESS: I -- I can't say that 9 or -- or I don't know.	
9 BY MS. TARABISHY:	10 BY MS. TARABISHY:	
10 Q. What is a latent print?	11 Q. In your experience, what factors would 12 impact the length of time that a print may 13 remain on a surface?	
11 A. A latent print is -- is a -- 12 impression of the friction ridge skin on 13 the -- on the sides of the finger, of the 14 palms that is found on the surface and 15 recovered -- left on the surface by chance and 16 recovered by the process of either dusting or 17 photography or the chemicals and preserved as 18 evidence.	14 MS. CANONIE: Objection; form, 15 foundation, calls for speculation.	
19 Q. You said it would be left on the 20 surface by chance. So a latent print is not 21 left every time someone touches a surface; is 22 that right?	16 THE WITNESS: Yeah, I don't -- I don't 17 recall all that -- that information.	
23 MS. CANONIE: Objection; 24 mischaracterizes the prior testimony, also,	18 BY MS. TARABISHY: 19 Q. What is an "impression"? 20 MS. CANONIE: Objection; form.	
1 form.	21 THE WITNESS: An impression, I don't 22 quite understand that.	
2 THE WITNESS: Yes, correct.	23 BY MS. TARABISHY: 24 Q. Have you used the term "latent print	
3 BY MS. TARABISHY:		34
4 Q. What are the factors that impact 5 whether a latent print impression is going to 6 be left after somebody touches a surface?	1 impression" in your work as a latent print 2 examiner?	36
7 MS. CANONIE: Objection; form, 8 foundation.	3 MS. CANONIE: Objection; form, 4 foundation.	
9 THE WITNESS: Factors such as 10 substance on the fingers, whether the fingers 11 are dry or not, or -- or how heavy the 12 pressure is that they may touch a surface 13 with.	5 THE WITNESS: When you -- "impression" 6 as in relation to a fingerprint is impression 7 of the finger- -- of the fingerprint or 8 friction ridge skin itself.	
14 BY MS. TARABISHY:	9 THE COURT REPORTER: "Friction ridge 10 skin"?	
15 Q. So how would each of these factors 16 that you mentioned affect whether a print -- a 17 latent print would be left on the surface?	11 Did you say "friction ridge skin"?	
18 MS. CANONIE: Objection; form -- 19 objection; form, foundation. Sorry, Noor.	12 THE WITNESS: Yes, yes, yes, I did. 13 Uh-huh.	
20 MS. TARABISHY: No problem.	14 BY MS. TARABISHY:	
21 THE WITNESS: It can affect whether 22 the -- just whether as to not the print 23 would -- would be able to be lifted or 24 photographed clearly or the impression itself	15 Q. Can you explain what that means? 16 MS. CANONIE: Objection; form.	

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10 (37 to 40)

	37		39
1 BY MS. TARABISHY:		1 BY MS. TARABISHY:	
2 Q. What is an "impression"? I'm not sure		2 Q. Yeah. I don't mean you personally,	
3 I understood you the first time you answered.		3 I'm sorry. I mean after the fingerprint	
4 If you could, explain that further, please.		4 technician is processing the surface for	
5 MS. CANONIE: Objection; form; asked		5 prints, what you see on that surface in the	
6 and answered. Please answer.		6 shape of ridges you would call that an	
7 THE WITNESS: Oh, well, when you say		7 impression?	
8 "an impression," an impression of what?		8 MS. CANONIE: Objection; form,	
9 BY MS. TARABISHY:		9 foundation.	
10 Q. An impression of a print or is that		10 THE WITNESS: Yes.	
11 not a term you use at all, I guess.		11 BY MS. TARABISHY:	
12 A. Not this term "impression" by itself,		12 Q. And what is a "negative"?	
13 not a --		13 MS. CANONIE: Objection; form.	
14 Q. What is a "lift"?		14 THE WITNESS: A negative -- negative	
15 MS. CANONIE: Objection; form.		15 as far -- in relationship to what?	
16 THE WITNESS: A "lift" is usually a		16 BY MS. TARABISHY:	
17 piece of adhesive that is laid over an		17 Q. To a medium that you're examining	
18 impression after it is usually dusted		18 from -- your fingerprints from as an examiner,	
19 and -- to capture the print and lift it and		19 not a negative result.	
20 seal it.		20 A. A negative photograph, which could be	
21 BY MS. TARABISHY:		21 submitted with impressions on it.	
22 Q. So you just said that is laid over an		22 Q. And what is a "tracing"?	
23 impression; correct?		23 MS. CANONIE: Objection; form.	
24 A. Yes.		24 THE WITNESS: A tracing is a -- that's	
	38		40
1 MS. CANONIE: Objection;		1 tracing of an enlarged finger -- impression,	
2 mischaracterizes the testimony.		2 fingerprint impression, that photograph	
3 BY MS. TARABISHY:		3 enlarged, and then a piece of tracing paper is	
4 Q. So the impression would be what you		4 laid over it, and the -- the path of the	
5 visually see after you process the surface for		5 ridges would be traced, and then the tracing	
6 prints; is that correct?		6 itself could -- would be a tracing of the	
7 MS. CANONIE: Objection; form.		7 impression, could be entered into the AFIS	
8 (Indiscernible simultaneous		8 system.	
9 colloquy.)		9 BY MS. TARABISHY:	
10 BY MS. TARABISHY:		10 Q. What is the "AFIS system"?	
11 Q. Would you call that an impression?		11 A. AFIS is the automated fingerprint	
12 MS. CANONIE: Objection; form,		12 identification system.	
13 foundation, mischaracterizes prior testimony.		13 Q. What does that mean?	
14 THE WITNESS: Repeat that again,		14 MS. CANONIE: Objection; form.	
15 please.		15 BY MS. TARABISHY:	
16 MS. TARABISHY: Could the court		16 Q. Do you use that system?	
17 reporter read back the question? I forgot		17 A. The AFIS system searches fingerprints	
18 what it was.		18 and compares them against a database of	
19 THE COURT REPORTER: Sure. Please		19 fingerprints, and generates end-of-day lists	
20 stand by.		20 of subjects that could be compared against the	
21 (The requested testimony		21 original unknown print that was searched.	
22 was read back.)		22 Q. To your knowledge, what year did AFIS	
23 THE WITNESS: Well, I don't -- I		23 first became [sic] available to the Chicago	
24 didn't process surfaces for prints.		24 Police Department?	

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11 (41 to 44)

	41		43
1	MS. CANONIE: Objection; calls for	1	normal case files where you were picking up
2	speculation.	2	your next assignment usually?
3	THE WITNESS: I don't know. I don't	3	MS. CANONIE: Object to form.
4	recall exactly when.	4	THE WITNESS: They could or they -- or
5	BY MS. TARABISHY:	5	they -- or the supervisor could assign them.
6	Q. Was it available throughout your	6	BY MS. TARABISHY:
7	tenure at the latent print unit?	7	Q. What is typically included in the case
8	MS. CANONIE: Objection; form.	8	file, what material --
9	THE WITNESS: Yes.	9	MS. CANONIE: Objection; form.
10	BY MS. TARABISHY:	10	BY MS. TARABISHY:
11	Q. For the questions that I'm going to	11	Q. -- is available to you?
12	ask you now, I'm not asking about a specific	12	MS. CANONIE: Objection; form,
13	case, just your general practice as a latent	13	foundation.
14	print examiner in the latent print unit.	14	THE WITNESS: What was the last part
15	Okay?	15	of that?
16	A. Okay.	16	BY MS. TARABISHY:
17	Q. How did you usually get a case	17	Q. What material is available to you in
18	assignment?	18	the case file?
19	MS. CANONIE: Object to form,	19	MS. CANONIE: Object to form.
20	foundation.	20	Objection; form.
21	THE WITNESS: Usually -- usually you	21	THE WITNESS: The latent print
22	would -- after you finished one case, you	22	evidence is usually in the envelope inside the
23	would -- if you're going to the case file roll	23	file, and the -- usually the crime scene
24	then take the next -- take the next case in	24	processing report is included.
	42		44
1	chronological order by report number.	1	BY MS. TARABISHY:
2	BY MS. TARABISHY:	2	Q. So if you receive a case file with a
3	Q. Were there instances where a	3	suspect's fingerprints and prints recovered
4	supervisor assigned a case to you as opposed	4	from the crime scene, how would you begin
5	to you picking up the next available case in	5	working on that case?
6	chronological order?	6	What would your first step be?
7	MS. CANONIE: Objection; form,	7	MS. CANONIE: Objection; form,
8	foundation.	8	foundation, calls for speculation.
9	THE WITNESS: Yes.	9	THE WITNESS: To analyze the -- the
10	BY MS. TARABISHY:	10	latent print evidence as to its suitability.
11	Q. What would the reason for that be?	11	BY MS. TARABISHY:
12	MS. CANONIE: Objection; form,	12	Q. Suitability for what?
13	foundation, calls for speculation.	13	MS. CANONIE: Objection; form.
14	THE WITNESS: There could be various	14	THE WITNESS: For comparison.
15	reasons. There could be various reasons.	15	BY MS. TARABISHY:
16	BY MS. TARABISHY:	16	Q. What does it mean for a print to be
17	Q. Like what?	17	suitable for comparison?
18	MS. CANONIE: Objection; form.	18	MS. CANONIE: Objection; form.
19	THE WITNESS: Such as -- such as a	19	THE WITNESS: That -- that would
20	request from a State's attorney, or a request	20	include the analysis or the -- their clarity,
21	because the detective may have had someone in	21	and you observe any impressions on -- on the
22	custody.	22	lifts, for instance, and are they clear and
23	BY MS. TARABISHY:	23	usable.
24	Q. So those requests would not go in the	24	

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12 (45 to 48)

	45		47
1 BY MS. TARABISHY:		1 BY MS. TARABISHY:	
2 Q. If you determined that the prints are		2 Q. And if after the comparison to the	
3 suitable for comparison, what is your next		3 suspect prints, you still could not make an	
4 step?		4 identification, you would then move to the	
5 MS. CANONIE: Objection; form,		5 AFIS steps; is that correct?	
6 foundation, incomplete hypothetical.		6 MS. CANONIE: Objection; form.	
7 THE WITNESS: To either compare them		7 THE WITNESS: Yes. If they were AFIS	
8 to any -- if there are any elimination prints		8 suitable.	
9 to be compare to -- to compare them against,		9 BY MS. TARABISHY:	
10 or if there are any known suspects to be -- to		10 Q. What does it mean for the prints to be	
11 compare them against. Or either -- or either		11 AFIS suitable?	
12 enter them into the AFIS system as a search of		12 A. Well, a lot of times in latent prints	
13 an unknown print to try -- to try to identify		13 you have partial, small, partial impressions.	
14 the prints.		14 And if you didn't have enough of an impression	
15 BY MS. TARABISHY:		15 that you deemed was -- was worthy or worth	
16 Q. You used the term "elimination print."		16 entering into AFIS, say, for instance, a	
17 What does that mean?		17 fingerprint that didn't have a -- couldn't	
18 MS. CANONIE: Objection;		18 tell what pattern type it was because it was	
19 mischaracterizes the testimony.		19 only a small, partial impression --	
20 BY MS. TARABISHY:		20 impression, you may -- it -- it would be at	
21 Q. Can you explain --		21 your discretion or your experience as to	
22 A. Elimination --		22 whether you would enter such an impression	
23 Q. I'm so sorry, Mr. Malone.		23 into AFIS.	
24 MS. TARABISHY: Can you explain the		24 Q. So such a print could still be usable	
	46		48
1 basis for your objection, Carson?		1 for comparison, but not for entry into AFIS?	
2 MS. CANONIE: Yeah. No. That		2 MS. CANONIE: Objection; form.	
3 objection -- I apologize. I withdraw the		3 THE WITNESS: Yes.	
4 objection.		4 BY MS. TARABISHY:	
5 BY MS. TARABISHY:		5 Q. Have you used the term "suitable for	
6 Q. Go ahead, Mr. Malone.		6 identification" in your work as a latent print	
7 A. Elimination prints, usually prints of		7 examiner?	
8 the victim themselves or of the persons		8 A. Yes.	
9 that -- that may have been known to -- to be		9 Q. Is that the same as "suitable for	
10 at the location of the particular crime scene		10 comparison"?	
11 and whose fingerprints might be on any -- any		11 A. Yes. Usually, yes.	
12 particular, specific objects that may have		12 Q. The process that you described where	
13 been -- that the prints were lifted from.		13 you begin by comparing the latent print	
14 Q. So you would compare the latent prints		14 evidence to the elimination prints and suspect	
15 from the crime scene to those elimination		15 prints, was that the standard practice for	
16 prints; correct?		16 latent print examiners during your time at the	
17 MS. CANONIE: Objection; form.		17 latent print unit?	
18 THE WITNESS: Yes.		18 MS. CANONIE: Objection; form.	
19 BY MS. TARABISHY:		19 THE WITNESS: Yes.	
20 Q. And you would also compare them to any		20 BY MS. TARABISHY:	
21 suspect prints that you were provided?		21 Q. And to your knowledge, this was also	
22 MS. CANONIE: Objection; form.		22 standard practice of the latent print unit in	
23 THE WITNESS: Yes.		23 1995 when this case originated?	
24		24 MS. CANONIE: Objection; form,	

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13 (49 to 52)

	49		51
1		1	corroborating your work?
2	THE WITNESS:	2	MS. CANONIE: Objection; form.
3	No, I don't -- I	3	THE WITNESS: Yes.
4	couldn't say. I don't know.	4	BY MS. TARABISHY:
5	BY MS. TARABISHY:	5	Q. Can you explain the process for
6	This remains the practice of the	6	corroboration?
7	latent print unit today?	7	A. Yes. If you make an identification,
8	MS. CANONIE: Objection; form,	8	another qualified latent examiner would --
9	foundation, calls for speculation.	9	would analyze and compare the prints, and come
10	THE WITNESS: I don't know.	10	10 to his conclusion as to whether he's -- he
11	BY MS. TARABISHY:	11	11 agrees with the findings of the original
12	Q. If the print isn't suitable for AFIS,	12	12 examiner.
13	what would your next step be?	13	Q. And the corroboration policy was only
14	MS. CANONIE: Objection; form,	14	for identifications; is that right?
15	incomplete hypothetical.	15	MS. CANONIE: Objection; form,
16	THE WITNESS: At that point it would	16	foundation, mischaracterizes the testimony.
17	need to be unidentified, and a -- usually a	17	THE WITNESS: Yes.
18	report would be generated at that point as to,	18	BY MS. TARABISHY:
19	you know, no identification.	19	Q. So if you were not able to make an
20	BY MS. TARABISHY:	20	identification, no other examiner would look
21	Q. Who would you submit that report to?	21	at the evidence to see if they reach a
22	MS. CANONIE: Objection; form,	22	different conclusion; is that right?
23	foundation.	23	MS. CANONIE: Objection; form,
24	THE WITNESS: My supervisor.	24	foundation, calls for speculation.
	50		52
1	BY MS. TARABISHY:	1	THE WITNESS: Yes.
2	Q. What is the reason for submission to	2	BY MS. TARABISHY:
3	your supervisor?	3	Q. If the second examiner does not concur
4	A. Approval of the report.	4	with your findings, what is the next step?
5	Q. And after your supervisor approves the	5	5 A. It would either -- the -- we would
6	report, does he give it back to you or do you	6	6 notify the supervisor, and he -- and he would
7	know where it goes to next?	7	7 make a determination as to the next step.
8	MS. CANONIE: Objection; form.	8	Q. So would the supervisor examine the
9	THE WITNESS: It goes in -- the paper	9	evidence himself or herself to determine who
10	copy goes in the case jacket.	10	10 is correct?
11	BY MS. TARABISHY:	11	MS. CANONIE: Objection; form,
12	Q. And what is the "case jacket"?	12	foundation, calls for speculation, incomplete
13	A. Sending the case file, it's just a big	13	13 hypothetical.
14	14 envelope with the evidence and any related	14	THE WITNESS: Well, I couldn't say
15	15 reports inside the envelope.	15	15 because it's never happened with me.
16	Q. If you make an identification, was it	16	BY MS. TARABISHY:
17	the latent print unit's policy that you would	17	Q. So for every identification that you
18	have another latent print examiner look at the	18	submitted your- -- for corroboration, the
19	prints that you examined?	19	19 second examiner concurred with your findings?
20	MS. CANONIE: Objection; form,	20	MS. CANONIE: Objection; form.
21	foundation, incomplete hypothetical.	21	THE WITNESS: Yes. That I recall,
22	THE WITNESS: Yes.	22	22 yes.
23	BY MS. TARABISHY:	23	BY MS. TARABISHY:
24	Q. Can you -- would that be called	24	Q. After that happens -- after the second

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14 (53 to 56)

	53		55
1 examiner looks at the evidence, would you		1 MS. CANONIE: Objection; form.	
2 write a report summarizing the identification?		2 THE WITNESS: Yes, yes, the detectives	
3 A. Yes.		3 division would be notified through the report	
4 Q. And you would submit the report to		4 system, and State's attorneys would be	
5 your supervisor?		5 notified through phone calls.	
6 MS. CANONIE: Objection; form,		6 BY MS. TARABISHY:	
7 foundation.		7 Q. Would the detectives receive copies of	
8 THE WITNESS: Yes.		8 the reports generated by latent print	
9 BY MS. TARABISHY:		9 examiners?	
10 Q. Would you make any notations on the		10 MS. CANONIE: Objection; form, calls	
11 latent print lift itself to indicate that you		11 for speculation.	
12 made an identification?		12 THE WITNESS: Yes. They would be able	
13 MS. CANONIE: Objection; form,		13 to pull up the reports themselves in the	
14 foundation.		14 system, the computer system.	
15 THE WITNESS: Yes.		15 BY MS. TARABISHY:	
16 BY MS. TARABISHY:		16 Q. Would they be notified if there was an	
17 Q. And would the second examiner also		17 identification?	
18 make a notation on the evidence itself?		18 MS. CANONIE: Object to form and	
19 MS. CANONIE: Objection; form,		19 foundation. Can we just have -- you may have	
20 foundation.		20 already clarified this, but can you -- we just	
21 THE WITNESS: Yes.		21 get some clarification on the time period	
22 BY MS. TARABISHY:		22 you're talking about?	
23 Q. You would typically initial and date?		23 MS. TARABISHY: Yes, sorry.	
24 MS. CANONIE: Objection; form.	24		
	54		56
1 THE WITNESS: That would be a part of		1 BY MS. TARABISHY:	
2 it, yes.		2 Q. I'm asking you 2009. If you make an	
3 BY MS. TARABISHY:		3 identification, would the detectives be	
4 Q. Would you also date and initial the		4 notified of that identification?	
5 known standard that you compared the latent		5 MS. CANONIE: Objection; form,	
6 print evidence to?		6 foundation.	
7 MS. CANONIE: Objection; form,		7 (Indiscernible simultaneous	
8 foundation.		8 colloquy.)	
9 THE WITNESS: No.		9 THE COURT REPORTER: I'm sorry. I	
10 BY MS. TARABISHY:		10 didn't get you, Katie.	
11 Q. After an examination is concluded in		11 MS. BARBER: I'm just objecting that	
12 2009, how would the detective -- would the		12 the question is vague.	
13 detectives working the case be notified, to		13 BY MS. TARABISHY:	
14 your knowledge?		14 Q. You said yes, Mr. Malone?	
15 MS. CANONIE: Objection. Objection;		15 A. Yes. They would be notified, yes.	
16 form, calls for speculation.		16 Q. Would they be notified if after you	
17 THE WITNESS: That question -- would		17 concluded your examination you were not able	
18 you repeat that question again?		18 to make an identification?	
19 BY MS. TARABISHY:		19 MS. CANONIE: Objection; form,	
20 Q. Sure.		20 incomplete -- calls for speculation,	
21 After you conclude working on -- on a		21 incomplete hypothetical.	
22 case, do you have any knowledge about what is		22 THE WITNESS: Yes, they would -- they	
23 the notification process for the detectives or		23 would be notified through the report, yeah, of	
24 the prosecutors working the case?		24 whether it was ident or an unident. Either	

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15 (57 to 60)

	57		59
1 way, yes.		1 MS. CANONIE: Objection; form.	
2 BY MS. TARABISHY:		2 THE WITNESS: No, he didn't at that	
3 Q. I'm going to ask you now about the		3 time, no.	
4 work you did in the case that brings us here		4 BY MS. TARABISHY:	
5 today, the State of Illinois versus Charles		5 Q. Did he assign another supervisor at a	
6 Johnson, okay?		6 later -- sorry. Another examiner at a later	
7 A. Okay.		7 time?	
8 Q. Do you remember receiving an		8 MS. CANONIE: Objection; form,	
9 assignment from your supervisor to conduct a		9 foundation.	
10 fingerprint examination in this case in 2009?		10 THE WITNESS: No, not that	
11 MS. CANONIE: Objection; form,		11 I -- I'm -- I recall.	
12 foundation.		12 BY MS. TARABISHY:	
13 THE WITNESS: Yeah. I remember being		13 Q. What did Mr. Simon tell you about the	
14 assigned to work on the case.		14 case when he assigned it to you?	
15 BY MS. TARABISHY:		15 MS. CANONIE: Objection; form.	
16 Q. Who assigned you to work on the case?		16 BY MS. TARABISHY:	
17 A. Carey Simon.		17 Q. I'm sorry?	
18 Q. Before you received this case		18 THE WITNESS: I don't recall.	
19 assignment, did you know anything about the		19 MS. TARABISHY: Ms. Canonie, can you	
20 underlying crime?		20 explain the basis for that objection.	
21 MS. CANONIE: Objection; form.		21 MS. CANONIE: Vague.	
22 THE WITNESS: No.		22 MS. TARABISHY: What did Mr. Simon	
23 BY MS. TARABISHY:		23 tell him about this case?	
24 Q. About any of the individuals that were		24 MS. CANONIE: Yes. He's testified	
	58		60
1 charged with it?		1 that he doesn't recall. He just recalls that	
2 MS. CANONIE: Objection; form.		2 he was assigned.	
3 THE WITNESS: No.		3 BY MS. TARABISHY:	
4 BY MS. TARABISHY:		4 Q. Go ahead, Mr. Malone.	
5 Q. Had you read anything about the case		5 A. I don't recall.	
6 in the news?		6 Q. What materials did you receive when	
7 A. No.		7 you received this case assignment?	
8 Q. Do you recall that -- a case involved		8 A. Court order along with the case	
9 a double homicide at a car dealership in		9 jacket.	
10 Chicago in 1995?		10 Q. That's it, the court order and case	
11 MS. CANONIE: Objection; form,		11 jacket?	
12 foundation.		12 A. That I recall.	
13 THE WITNESS: Yes.		13 Q. Do you remember how many case jackets	
14 BY MS. TARABISHY:		14 there were?	
15 Q. When -- when your supervisor Carey		15 A. No.	
16 Simon assigned you to work on this fingerprint		16 Q. What was inside the case jacket?	
17 examination, did he tell you why he was giving		17 MS. CANONIE: Objection; form,	
18 you the assignment?		18 foundation.	
19 MS. CANONIE: Objection; form.		19 THE WITNESS: Generally in the -- it	
20 THE WITNESS: No, other than I was		20 would have been the case -- any related crime	
21 available to work on it.		21 scene processing report and the actual either	
22 BY MS. TARABISHY:		22 lifts -- and the lift.	
23 Q. Did he assign any other examiner to		23 BY MS. TARABISHY:	
24 work on the case with you?		24 Q. Were there any known standards in that	

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16 (61 to 64)

	61		63
1 case jacket than print cards?		1 Q. There was a total of 14 prints in the	
2 A. Not that I recall.		2 custody of the State's attorney's office; is	
3 Q. And what about that court order, do		3 that correct?	
4 you remember its contents?		4 Looking at paragraph number 1, page 1.	
5 MS. CANONIE: Object to form.		5 A. Yes, mm-hmm.	
6 THE WITNESS: Not -- not in detail,		6 Q. There was -- those were eight prints	
7 no.		7 from trial Exhibit 28; yes?	
8 MS. TARABISHY: Would the tech please		8 A. Exhibit 28, yes, mm-hmm.	
9 pull up exhibit titled, "January 2009 court		9 Q. And six prints from trial Exhibit 60?	
10 order"?		10 A. Yes.	
11 THE TECHNICIAN: One moment, please.		11 Q. Looking at the second page,	
12 MS. CANONIE: Noor, I've -- since it's		12 paragraph 5.	
13 printed, I'm going to hand it to him so he can		13 MS. TARABISHY: If the tech could	
14 see better.		14 also -- thank you.	
15 MS. TARABISHY: Yeah, of course.		15 BY MS. TARABISHY:	
16 That's fine.		16 Q. There were also nine prints from	
17 For the record, this is a three-page		17 stickers in the possession of the latent print	
18 PDF document consecutively Bates stamped City		18 unit; correct?	
19 20535 through 20537. It was previously marked		19 MS. CANONIE: Objection; form,	
20 at the deposition of Carey Simon as		20 foundation, document speaks for itself.	
21 Exhibit 212.		21 THE WITNESS: Yes.	
22 BY MS. TARABISHY:		22 BY MS. TARABISHY:	
23 Q. Do you recognize this document,		23 Q. Those were under inventory number	
24 Mr. Malone?		24 1584551?	
	62		64
1 A. Yes.		1 MS. CANONIE: Objection; form,	
2 Q. What is it?		2 document speaks for itself.	
3 A. The court order to perform the request		3 THE WITNESS: Well, I don't know if	
4 that -- assignment or -- or to follow the		4 this is a typo, but it reads the inventory	
5 orders set forth in this court order.		5 number for the set of prints -- print pictures	
6 Q. Do you remember what -- the process		6 is IR number, what -- I mean, it's an IR	
7 that was set in that court order for the		7 number. I believe it must be a typo, yeah.	
8 re-examination of the fingerprints?		8 BY MS. TARABISHY:	
9 MS. CANONIE: Objection; form,		9 Q. Why are you saying it's a typo?	
10 foundation.		10 A. Oh, well, you -- inventory wouldn't	
11 THE WITNESS: Only to -- as I -- as I		11 be -- have an IR number in the -- the letters	
12 read it.		12 IR and then the number. It simply would	
13 BY MS. TARABISHY:		13 have -- if it was an inventory number, we	
14 Q. I'll give you a couple minutes to read		14 usually have "ID" and "in" abbreviated and	
15 through that order, the three pages.		15 then the number symbol, but...	
16 A. Okay.		16 Q. Do you know what an IR number might	
17 Okay.		17 be?	
18 Q. Are you finished reviewing the court		18 MS. CANONIE: Objection; form.	
19 order?		19 THE WITNESS: Yes, IR number is an	
20 A. Yes, yes, mm-hmm.		20 arrest -- arrest record of an individual.	
21 Q. Does reading this court order refresh		21 BY MS. TARABISHY:	
22 your recollection as to the number of latent		22 Q. What was the role of the latent print	
23 lift prints in this case?		23 unit under this court order?	
24 A. Yes.		24 MS. CANONIE: Objection; form,	

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17 (65 to 68)

	65		67
1	document speaks for itself.	1	record at 11:28.
2	THE WITNESS: To perform these duties	2	BY MS. TARABISHY:
3	listed in the court order.	3	Q. Before we took a break, Mr. Malone, we
4	BY MS. TARABISHY:	4	were talking about that court order for the
5	Q. And what were those duties?	5	re-examination of fingerprints, and how the
6	MS. CANONIE: Objection; form, the	6	latent print unit sends scans to
7	document speaks for itself.	7	Mr. Ken Moses. Do you remember that?
8	THE WITNESS: As listed in the	8	A. Yes, mm-hmm.
9	different paragraphs to scan the prints, then	9	Q. And that court order specified that
10	10 to send them to Ken Moses, and once we receive	10	10 Mr. Moses was going to make tracings of those
11	11 them back -- we receive the tracings back from	11	11 fingerprints; correct?
12	12 Ken Moses who searched them in AFIS and then	12	MS. CANONIE: Objection; form,
13	13 to send the candidate list to Mr. Moses, yes.	13	13 document speaks for itself.
14	BY MS. TARABISHY:	14	THE WITNESS: Yes.
15	Q. Were you responsible for scanning the	15	BY MS. TARABISHY:
16	16 prints specified in the court order to prep	16	Q. And after he would trace the prints,
17	17 them to be sent to Mr. Ken Moses?	17	17 he would send them back to the latent print
18	MS. CANONIE: Objection; form.	18	18 unit; correct?
19	THE WITNESS: I don't recall, but I	19	A. Yes.
20	20 don't think I was the one that scanned them	20	Q. Did the latent print unit at some
21	21 in. I don't recall.	21	21 point receive those tracings from Mr. Moses?
22	BY MS. TARABISHY:	22	A. Yes.
23	Q. You don't recall that you were the one	23	Q. Do you remember how many tracings you
24	24 who made the scans ordered in this court	24	24 received?
	66		68
1	order?	1	A. I'd have to look at the --
2	A. I don't recall if I was the one that	2	Q. Would the --
3	scanned them.	3	A. -- document.
4	Q. So it is possible that it was you, it	4	Q. Okay.
5	is possible that it was someone else; right?	5	MS. TARABISHY: Pull up
6	A. Yeah, it's possible. I don't recall.	6	6 exhibit titled, "June 2009 report."
7	MS. BARBER: Noor, whenever you get --	7	THE TECHNICIAN: One moment.
8	it doesn't have to be right now, but whenever	8	MS. CANONIE: Noor, which date is this
9	you get to a reasonable time for a break	9	9 one?
10	10 point, if we could have a short bathroom	10	MS. TARABISHY: I'm sorry. I didn't
11	11 break, that'd be great.	11	11 hear you. That's the correct document, the
12	MS. TARABISHY: Yeah, of course. It	12	12 one that's on the screen, if you can see it.
13	13 actually would be a good time. I'm about to	13	MS. CANONIE: Okay. Thanks.
14	14 open into a new section. So how long would	14	MS. TARABISHY: This is a two-page PDF
15	15 you want a break to be, like ten, 15 minutes?	15	15 Bates stamped City 20581, 20582 previously
16	MS. BARBER: Five minutes would be	16	16 marked at the deposition of Gary Simon as
17	17 great.	17	17 Exhibit 214. Do you recognize this document?
18	MS. TARABISHY: Okay. We'll take a	18	THE WITNESS: Yes.
19	19 ten-minute break, then.	19	BY MS. TARABISHY:
20	THE VIDEOGRAPHER: We are going off	20	Q. And what is it?
21	21 the record at 11:17.	21	A. This is a report of the tracings that
22	(Whereupon, a recess was	22	were received from Kenneth Moses.
23	had.)	23	MS. TARABISHY: Would the tech please
24	THE VIDEOGRAPHER: We are back on the	24	24 go to the second page?

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18 (69 to 72)

	69		71
1 BY MS. TARABISHY:		1 A. Yes.	
2 Q. Do you see your signature anywhere in		2 Q. Can you explain what each of	
3 this document?		3 terms -- these terms mean, starting with the	
4 A. Yes.		4 "pattern type"?	
5 Q. And it is in the lower right corner of		5 A. Yes. The "pattern type" being as to	
6 the second page where it says, "examined by a		6 whether the pattern type was an arch, a loop	
7 latent print examiner, Michael Malone"?		7 or a whorl. The CORE and access, which means	
8 A. Yes.		8 for -- meaning the approximate center of the	
9 Q. Do you know a latent print examiner by		9 impression of the print, and its orientation	
10 the name of Joseph Calvo?		10 would indicate what -- usually by an arrow	
11 A. Yes.		11 which direction should be facing up.	
12 Q. Are you familiar with his signature?		12 Q. What is the importance of indicating	
13 A. Yes.		13 this information about each latent print, the	
14 Q. And do you see it anywhere in this		14 pattern type, or access and orientation?	
15 document?		15 MS. CANONIE: Objection; form.	
16 A. Yes.		16 BY MS. TARABISHY:	
17 Q. And it's under your signature, also on		17 Q. You can answer.	
18 the lower right corner of the report?		18 A. These are parameters that you would	
19 A. Yes.		19 indicate you -- when you search the	
20 Q. I'll also give you a couple of minutes		20 print -- upon searching the print in the AFIS	
21 to look over this two-page report, and let me		21 system.	
22 know when you're done, okay?		22 Q. You would enter those parameters when	
23 A. Okay.		23 you were conducting the AFIS search?	
24 Okay.		24 A. Yes.	
	70		72
1 Q. Can you go back to the first page,		1 Q. After you received the tracings from	
2 please?		2 Mr. Moses, the next step was to enter those	
3 A. Yeah.		3 into AFIS; correct?	
4 Q. Does reading this report refresh your		4 MS. CANONIE: Objection; form.	
5 recollection as to the number of tracings that		5 THE WITNESS: Yes.	
6 the latent print unit received from		6 BY MS. TARABISHY:	
7 Mr. Ken Moses?		7 Q. Did you submit the tracings to be	
8 A. Yes.		8 searched in AFIS?	
9 Q. You received 13 tracings; correct?		9 A. Yes.	
10 A. Yes.		10 Q. Can you walk us through the process of	
11 Q. And those tracings were numbered 1A,		11 submitting tracing into AFIS?	
12 1B, 2A, 5A, 7A, 8A, 8C, 11-2, 12-2, 13A, 14A,		12 A. Yes. The tracings were captured at	
13 14B and 15B; correct?		13 the AFIS terminal by placing the tracing on	
14 A. Yes.		14 the screen, and you would capture it with	
15 Q. And the corresponding lifts and		15 the -- with a photo, a camera that was	
16 negatives were numbered in the same way?		16 attached to the -- to the machine, and it	
17 MS. CANONIE: Objection; form.		17 would capture an image of the tracing. And	
18 BY MS. TARABISHY:		18 that image would be -- would go into the AFIS	
19 Q. What I mean is tracing 1A would		19 system, along with the -- entering the	
20 correspond to a latent lift or negative 1A and		20 parameters of the pattern type CORE and access	
21 so on?		21 and orientation, and it would be for -- for a	
22 A. Oh, yes.		22 search in the AFIS database.	
23 Q. The tracings indicated the pattern		23 Q. And if you had a palm print, not a	
24 type for access and orientation; correct?		24 fingerprint, would you be able to enter that	

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19 (73 to 76)

	73		75
1 into AFIS?		1 latent print unit had his or her unique	
2 MS. CANONIE: Objection; foundation,		2 operator ID to use on this terminal?	
3 form.		3 MS. CANONIE: Objection; form.	
4 THE WITNESS: Yes.		4 THE WITNESS: Yes.	
5 BY MS. TARABISHY:		5 BY MS. TARABISHY:	
6 Q. Is this the same database for		6 Q. The image on the left is tracing 1A	
7 fingerprints or is there a separate database		7 created by Ken Moses; correct?	
8 for palm prints?		8 A. Yeah.	
9 A. Separate database.		9 Q. What is the image on the right?	
10 Q. And what is that database called?		10 A. That would be the fingerprint of the	
11 A. The automated palm print		11 number one candidate.	
12 identification system or APIS, A-P-I-S.		12 Q. Let's go through the table at the	
13 MS. TARABISHY: Would the tech please		13 bottom of the page. The first column to the	
14 pull up exhibit titled, "tracing 1-A"?		14 left says "rank." What does that mean?	
15 THE TECHNICIAN: One moment, please.		15 A. AFIS gives a ranking. We -- it has	
16 BY MS. TARABISHY:		16 ten candidates. We -- and it would rank those	
17 Q. This is a three-page PDF consecutively		17 in a numbered order.	
18 Bates stamped City 20590 through 20592		18 Q. It would rank them in the order of	
19 previously marked at the deposition of Gary		19 which is most likely to be a match according	
20 Simon as Exhibit 215.		20 to its own algorithm; is that correct?	
21 Do you have the exhibit with you,		21 MS. CANONIE: Objection; form,	
22 Mr. Malone?		22 mischaracterizes testimony.	
23 A. Yes.		23 BY MS. TARABISHY:	
24 Q. Do you recognize the screen shots in		24 Q. You can answer.	
	74		76
1 this exhibit?		1 A. I'm sorry. Repeat that one again for	
2 A. Yes.		2 me.	
3 Q. What are they?		3 Q. It would rank them in order of which	
4 A. Candidate lists generated by the AFIS		4 is most likely to be a match, according to	
5 system.		5 AFIS's algorithm?	
6 Q. Looking at the first page, City 20590.		6 A. Oh, generally, yes. Mm-hmm.	
7 At the top of the page it says "terminal ID."		7 Q. The next column says "decision." Is	
8 What is that?		8 this entered by the latent print examiner	
9 A. That's the number of the particular		9 after you conduct the comparison?	
10 terminal that we used for AFIS.		10 A. Yes.	
11 Q. And by "terminal," you mean the		11 MS. CANONIE: Objection; form.	
12 computer that had the AFIS database?		12 THE WITNESS: Yes.	
13 A. Yes.		13 BY MS. TARABISHY:	
14 Q. So there's a unique ID for every		14 Q. The fourth column says "hit fingers."	
15 computer that is connected to the AFIS		15 Does this mean which finger is a possible	
16 database?		16 match?	
17 A. I don't recall specifically.		17 A. Yes.	
18 Q. Next to that it says "operator ID."		18 Q. And that's generated by AFIS?	
19 What does that mean?		19 A. Yes.	
20 A. That would have been my -- my, what's		20 Q. How are fingers numbered?	
21 called PC number, my individual, you know,		21 Which one is finger number one?	
22 identification number when using the		22 A. Beginning with the -- the right thumb	
23 computers.		23 is finger -- finger number one. And then the	
24 Q. So every latent print examiner of the		24 other fingers of the right hand, right index,	

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20 (77 to 80)

	77	79
1 number two; the right middle is number three;	1 to the right?	
2 the -- the right index -- I mean, right ring	2 A. You said "score (R)"?	
3 finger is number four; and the right little	3 Q. Mm-hmm?	
4 finger is number five; and then the left	4 A. Well, "score" is -- is the	
5 number six; and the left index is number	5 number -- is a -- AFIS gives the	
6 seven; left middle is number eight; left ring	6 candidate -- each candidate a score. What the	
7 is number nine; and the left little finger is	7 "R" stands for, I don't recall, but...	
8 number ten.	8 Q. Fair to say that the higher the score	
9 Q. The column for hit fingers has numbers	9 the more likely there's a match according to	
10 that are greater than ten. Do you see that?	10 AFIS's algorithm?	
11 A. Yes.	11 MS. CANONIE: Objection; form.	
12 Q. Do you have an explanation for this?	12 THE WITNESS: Yes.	
13 A. Yes. Like, if the number is greater	13 BY MS. TARABISHY:	
14 than ten, it -- it's because the -- AFIS is	14 Q. And then second-to-last column from	
15 also using not just the -- the ten fingers in	15 the right "quality (S)," and next to that to	
16 the ten boxes on a fingerprint card, it also	16 the left there's "quality (R)." Do you know	
17 uses the simultaneous prints that are	17 what that stands for?	
18 usually -- that are underneath the -- the ten	18 MS. CANONIE: Objection; form.	
19 fingers on a fingerprint card.	19 THE WITNESS: Yeah, I don't -- I don't	
20 Q. And what do you mean by the	20 quite recall all of that.	
21 "simultaneous prints"?	21 BY MS. TARABISHY:	
22 A. Oh, underneath it, the block	22 Q. Underneath the table it says on the	
23 ten -- ten fingers, the first five on the top	23 bottom "Enhanced-B" on the first page. Do you	
24 row, the second six through ten on the bottom	24 see that?	
	78	80
1 row, and then on the standard print card,	1 A. The bottom, yes. Mm-hmm.	
2 underneath that, the person taking the prints	2 Q. And what does that mean?	
3 would do what's called a simultaneous	3 A. "Enhanced-B" was a -- was a separate	
4 impression where he would take fingers on the	4 algorithm search. Besides doing the standard	
5 right hand, fingers two through five, and he	5 search, and then -- or the enhanced search in	
6 would just press -- put those fingers together	6 Enhanced-A, which is a separate algorithm	
7 and press them down in that -- in that	7 search, and there's Enhanced-B, so -- which is	
8 particular box, which is labeled "simultaneous	8 another separate algorithm search.	
9 impression."	9 Q. Do you know the difference between the	
10 And -- and he would take the	10 three algorithms?	
11 individual thumb and just press them down, the	11 A. Generally, my -- my recollection was	
12 box next to that, and he would do the same	12 that the Enhanced-A and Enhanced-B in the AFIS	
13 thing with the left hand.	13 system adjusted the CORE and access in search	
14 And those -- those -- and	14 of the print with a slightly different core	
15 those are also numbered in -- by AFIS.	15 and access. But I -- but that's about all I	
16 Q. So number 11 would be which	16 remember, not exactly as much detail.	
17 simultaneous print?	17 Q. So this first page shows a search run	
18 A. Well, it would be -- it would be the	18 with Enhancement-B; correct?	
19 number one finger below at the bottom of the	19 A. Yes.	
20 print card, below the ten fingers of the	20 MS. TARABISHY: Can you go to the next	
21 thumbs, which is -- which is just called a	21 page, please?	
22 plain impression of the number one finger, and	22 THE WITNESS: Yeah.	
23 AFIS records that as number 11.	23 BY MS. TARABISHY:	
24 Q. What is "score (R)" in the next column	24 Q. The second page shows the same search	

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21 (81 to 84)

	81	83
1 run with Enhancement-A; correct?		1 correct?
2 A. Yes.		2 A. Yes.
3 Q. And the last page shows the same		3 Q. And based on that court order that we
4 search run with the standard algorithm?		4 read, the latent print unit was to enter
5 A. Yes.		5 Mr. Moses's tracings into AFIS; correct?
6 Q. What would be the reason that a latent		6 MS. CANONIE: Objection; form. This
7 print examiner would run the same print using		7 document speaks for itself.
8 the three different algorithms?		8 THE WITNESS: Yes.
9 MS. CANONIE: Objection; form,		9 BY MS. TARABISHY:
10 foundation.		10 Q. So for each of those tracings, you
11 THE WITNESS: Usually -- usually if		11 entered into AFIS; correct?
12 you didn't get a hit in the standard		12 MS. CANONIE: Objection; form, asked
13 algorithm, then you would search it again in		13 and answered.
14 either Enhanced-A or Enhanced-B or both, if		14 THE WITNESS: I believe we would have
15 you didn't get a hit in -- in whichever one		15 followed the court order, yes.
16 you searched first.		16 MS. TARABISHY: You can take down the
17 BY MS. TARABISHY:		17 exhibit. Thank you.
18 Q. Does AFIS generate a list of ten		18 BY MS. TARABISHY:
19 candidates for every search that you run?		19 Q. And for each of these searches, AFIS
20 A. No. It can vary. As latent print		20 generated a list of ten candidates like the
examiners, you can ask for more candidates or		21 one we just looked at?
less candidates.		22 MS. CANONIE: Objection; form,
23 Q. If you're using this list and you want		23 foundation.
24 to do a manual comparison of the ten		24 THE WITNESS: I believe we had ten
	82	84
1 candidates, would you start with the prints		1 candidates for each search, yes.
2 belonging to the person identified in the		2 BY MS. TARABISHY:
3 first row with rank number one?		3 Q. Following that court order, you had
4 MS. CANONIE: Objection; form.		4 then obtained the fingerprint standards for
5 THE WITNESS: Yes.		5 each of the candidates?
6 BY MS. TARABISHY:		6 A. No.
7 Q. And if this doesn't result in a hit,		7 Q. What did you do with the AFIS result
8 you would then move on to the next candidate?		8 that you got for each tracing?
9 A. Yes.		9 A. If we compared the fingerprint
10 Q. And if you go through the list and do		10 standard of the number one candidate, and if
11 not make an identification, how do you report		11 it was a hit, then that would have been the
12 this outcome?		12 only fingerprint candidate standard that we
13 MS. CANONIE: Objection; form,		13 would -- would need.
14 incomplete hypothetical.		14 Q. Did you conduct that comparison before
15 THE WITNESS: You report it as a		15 sending documents to Mr. Moses for his own
16 no-hit AFIS system.		16 examination?
17 BY MS. TARABISHY:		17 A. I'm sorry. Can you repeat that one?
18 Q. For each of the 13 tracings that		18 Q. Did you conduct a manual comparison
19 Mr. Moses created, you ran an AFIS search;		19 before you sent documents to Mr. Moses for his
20 correct?		20 own examination?
21 A. I don't recall exactly. I'd have		21 MS. CANONIE: Objection; form,
22 to -- I don't recall.		22 foundation. I'm sorry. I'm just going to
23 Q. The screen shots that we're looking at		23 take his. We're not looking at the exhibits.
24 are the results of the search for tracing 1A;		24 I'm going to have him remove the exhibits from

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22 (85 to 88)

	85		87
1 in front of him so he's able to answer.		1 your findings when you made an identification;	
2 MS. TARABISHY: Yep.		2 correct?	
3 THE WITNESS: Yeah, I don't recall		3 A. Yes.	
4 exactly the exact order of that process.		4 Q. What was the name of the examiner who	
5 MS. TARABISHY: Can we look again at		5 corroborated your identifications?	
6 the court order exhibit, please?		6 A. Joseph Calvo --	
7 THE TECHNICIAN: One moment.		7 Q. Did you ask Joseph Calvo to	
8 MS. CANONIE: When they take it off		8 corroborate your identifications in this case?	
9 the screen, flip it over so that you won't...		9 A. Yes.	
10 MS. TARABISHY: Yeah, that's		10 Q. Why did you choose Joseph Calvo for	
11 the -- page 2, please.		11 this task?	
12 BY MS. TARABISHY:		12 A. I can't recall exactly, but probably	
13 Q. And looking at paragraph number 7,		13 whether he was -- who -- whether he was	
14 Mr. Malone.		14 available at the time.	
15 A. Yes.		15 Q. Do you know what year Mr. Calvo joined	
16 MS. CANONIE: What's the Bates Number		16 the latent print unit?	
17 of this page? Just make sure that we're...		17 MS. CANONIE: Objection; form, calls	
18 MS. TARABISHY: Sure. City 20536.		18 for speculation.	
19 BY MS. TARABISHY:		19 THE WITNESS: No, I don't recall.	
20 Q. Have you read it?		20 BY MS. TARABISHY:	
21 A. Oh, yes. Mm-hmm.		21 Q. What is your opinion of Joseph Calvo's	
22 Q. Does this refresh your recollection as		22 ability as a latent print examiner?	
23 to whether you sent Mr. Moses the fingerprint		23 MS. CANONIE: Objection; form.	
24 cards for the candidate generated in the AFIS		24 THE WITNESS: Well, a qualified latent	
	86		88
1 search?		1 print examiner, qualified and trained latent	
2 A. Yes. I believe we would have complied		2 print examiner.	
3 with the order, but I -- I don't recall		3 BY MS. TARABISHY:	
4 exactly.		4 Q. Would you say he is highly skilled?	
5 Q. You don't have an independent memory		5 A. Yes.	
6 of doing that, but you would have complied		6 Q. Are you highly confident in his work?	
7 with a court order; correct?		7 MS. CANONIE: Objection; form.	
8 A. Yes.		8 THE WITNESS: Yes.	
9 MS. TARABISHY: You can take down the		9 MS. TARABISHY: Can we look at	
10 exhibit. Thank you.		10 Exhibit 214 again, please, the June 2009	
11 BY MS. TARABISHY:		11 report?	
12 Q. When you run these AFIS searches, you		12 THE TECHNICIAN: One moment.	
13 conducted an independent examination of each		13 BY MS. TARABISHY:	
14 of the tracings and the AFIS candidates to		14 Q. So, again, this is Bates Number City	
15 determine if there is a match; correct?		15 20581 to 20582.	
16 MS. CANONIE: Objection; form.		16 I'd like to go over each of the	
17 THE WITNESS: No, we -- I didn't go		17 identifications that were made by you and	
18 through all the candidates, no.		18 Mr. Calvo in this case. Starting with the	
19 BY MS. TARABISHY:		19 results for tracing number 12-2. Do you see	
20 Q. You would stop going through the		20 the bottom of page 1?	
21 candidates once you get a match; correct?		21 A. Yes.	
22 A. Yes.		22 Q. 11578726 is the inventory number for	
23 Q. And a latent -- a second latent print		23 the lifts that were impounded by the State's	
24 examiner at the latent print unit corroborated		24 Attorney's Office; correct?	

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23 (89 to 92)

	89		91
1	MS. CANONIE: Objection; form.	1	document speaks for itself.
2	THE WITNESS: Yes.	2	THE WITNESS: Yes.
3	BY MS. TARABISHY:	3	BY MS. TARABISHY:
4	Q. And this report indicates that 12-2 is	4	Q. You run an AFIS search for lift
5	a ridge impression recovered from the hood of	5	tracing number 13A?
6	a green Pontiac Bonneville on the sales lot;	6	A. Yes.
7	correct?	7	Q. You conducted subsequent manual
8	A. Yeah.	8	comparison?
9	Q. You ran an AFIS search for lift	9	MS. CANONIE: Objection; form.
10	10 tracing number 12-2; correct?	10	THE WITNESS: Yes.
11	A. Yes.	11	BY MS. TARABISHY:
12	Q. And you conducted subsequent manual	12	Q. This resulted in identifying lift
13	comparison?	13	number 13A to the palm print standard bearing
14	MS. CANONIE: Objection; form.	14	the name Davion Allen, IR number 1170632, SID
15	THE WITNESS: Yes.	15	number 39123760?
16	BY MS. TARABISHY:	16	MS. CANONIE: Objection; form.
17	Q. This resulted in identifying lift	17	THE WITNESS: Yes.
18	18 number 12-2 to the fingerprint standard	18	BY MS. TARABISHY:
19	bearing the name Davion Allen, IR number	19	Q. Latent print examiner Joseph Calvo
20	20 1170632. SID number 39123760; correct?	20	independently conducted a comparison?
21	A. Yes.	21	MS. CANONIE: Form.
22	Q. Latent print examiner Joseph Calvo	22	THE WITNESS: Yes.
23	23 independently conducted a manual comparison;	23	BY MS. TARABISHY:
24	24 correct?	24	Q. And he concurred with your findings?
	90		92
1	MS. CANONIE: Objection; form.	1	A. Yes.
2	THE WITNESS: Yes.	2	Q. Meaning latent print 13A is a certain
3	BY MS. TARABISHY:	3	match to Davion Allen?
4	Q. And he concurred with your findings?	4	MS. CANONIE: Objection; form.
5	A. Yeah.	5	THE WITNESS: Yes.
6	Q. Meaning latent print 12-2 is a search	6	BY MS. TARABISHY:
7	7 match to Davion Allen?	7	Q. Next is 14B. Again, same inventory
8	A. Yes.	8	number, 11578726; yes?
9	Q. We'll going over the same questions	9	A. Yes.
10	10 for the next lift, number 13A. First	10	Q. Recovered from driver's side front
11	11 paragraph of the second page.	11	fender of green Pontiac Bonneville on sales
12	A. Yes.	12	12 lot?
13	Q. This has the same inventory number,	13	A. Yes.
14	14 11578726 as one of the 14 lifts received from	14	Q. 14B is also a palm print?
15	15 the State's Attorneys Office; correct?	15	MS. CANONIE: Objection; form,
16	A. Yes.	16	document speaks for -- report speaks for
17	Q. Lift 13A was recovered from the fender	17	17 itself.
18	18 of a green Pontiac Bonneville on the sales	18	THE WITNESS: Yes.
19	19 lot; correct?	19	BY MS. TARABISHY:
20	A. Yes.	20	Q. You run an AFIS search for lift
21	Q. 13A is a palm print?	21	tracing number 14B?
22	MS. CANONIE: Object- --	22	MS. CANONIE: Objection; form.
23	THE WITNESS: Yeah.	23	Document speaks for itself.
24	MS. CANONIE: Objection; form,	24	THE WITNESS: Yeah.

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24 (93 to 96)

	93		95
1 BY MS. TARABISHY:		1 Q. Latent print examiner Joseph Calvo	
2 Q. And then you conducted manual		2 independently conducted a direct comparison?	
3 comparison?		3 MS. CANONIE: Objection; form.	
4 MS. CANONIE: Form.		4 THE WITNESS: Yes.	
5 THE WITNESS: Yes.		5 BY MS. TARABISHY:	
6 BY MS. TARABISHY:		6 Q. And he concurred with your findings?	
7 Q. Your comparison resulted in		7 A. Yes.	
8 identifying lift number 14B to the palm print		8 Q. Meaning latent print 15B was a certain	
9 standard bearing the name Davion Allen IR		9 match to Lamont Campbell?	
10 number 1170632, SID number 39123760?		10 MS. CANONIE: Objection; form.	
11 MS. CANONIE: Objection; form.		11 THE WITNESS: Yes.	
12 THE WITNESS: Yes.		12 MS. TARABISHY: You can take down this	
13 BY MS. TARABISHY:		13 exhibit, and please pull up exhibit titled,	
14 Q. Latent print examiner Joseph Calvo		14 "envelop of lifts." This was previously	
15 independently conducted a comparison?		15 marked at the deposition of Dennis Stankus as	
16 MS. CANONIE: Objection; form.		16 Exhibit 94.	
17 THE WITNESS: Yes.		17 (Indiscernible).	
18 BY MS. TARABISHY:		18 THE WITNESS: This is -- I'll look	
19 Q. And he concurred with your findings?		19 at --	
20 A. Yes.		20 THE COURT REPORTER: I can't hear --	
21 Q. Meaning, latent print 14B was a		21 MS. TARABISHY: I think we might need	
22 certain match to Davion Allen?		22 the colored versions, because the markings on	
23 MS. CANONIE: Objection; form.		23 the lift are in different colors, and that was	
24 THE WITNESS: Yes.		24 the way I was going to ask him to identify	
	94		96
1 BY MS. TARABISHY:		1 the --	
2 Q. Next is 15B. Same inventory number,		2 MS. CANONIE: Yes. So I was just	
3 11578726; right?		3 going to see if your -- is your exhibit --	
4 MS. CANONIE: Objection; form,		4 MS. TARABISHY: In color.	
5 document speaks for itself.		5 MS. CANONIE: -- colored?	
6 THE WITNESS: Yes.		6 MS. TARABISHY: Yeah.	
7 BY MS. TARABISHY:		7 MS. CANONIE: Is it? Okay. I have it	
8 Q. Recovered from passenger front		8 printed out for the colored version as well.	
9 exterior door latch on 1990 dual [phonetic]		9 Just give me one second. Let me see that.	
10 Pontiac, license plate DL5521?		10 Noor, what is the Bates range of this	
11 MS. CANONIE: Objection; form,		11 exhibit?	
12 document speaks for itself.		12 MS. TARABISHY: 20716 through 20729,	
13 THE WITNESS: Yes.		13 14 page --	
14 BY MS. TARABISHY:		14 MS. CANONIE: Thank you.	
15 Q. You ran an AFIS search for lift		15 We now have the colored version,	
16 tracing number 15B?		16 thanks.	
17 A. Yes.		17 MS. TARABISHY: Thank you.	
18 Q. And you conducted a manual comparison?		18 BY MS. TARABISHY:	
19 A. Yes.		19 Q. Looking at page 2, Bates Number City	
20 Q. This resulted in identifying lift		20 20717. Do you recognize the envelope on	
21 number 15B to the fingerprint standard bearing		21 page 2, Mr. Malone?	
22 the name Lamont Campbell, IR number 1015321,		22 A. Yeah.	
23 SID number 32699760; correct?		23 Q. What is it?	
24 A. Yes.		24 A. That is one of the envelopes	

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25 (97 to 100)

	97		99
1 with -- which would have contained the lift as		1 THE WITNESS: Yes.	
2 marked.		2 BY MS. TARABISHY:	
3 Q. It has the case number for the double		3 Q. Joseph Calvo wrote this?	
4 homicide investigation Z594269; right?		4 MS. CANONIE: Objection; form, calls	
5 A. Yes.		5 for speculation.	
6 Q. And it contains eight lifts total,		6 THE WITNESS: Yes.	
7 four from 1992 Pontiac Illinois license		7 BY MS. TARABISHY:	
8 DL5521, and four from green Pontiac Bonneville		8 Q. And, again, in the lower right are his	
9 in lot?		9 initials and star number?	
10 A. Yes.		10 A. Yes.	
11 Q. And these are Joseph Calvo's initials		11 Q. And let's go to page 6 of the PDF	
12 and star number; correct?		12 document, Bates Number City 20721. And if you	
13 A. Yes.		13 can, zoom into the upper half, please. Do you	
14 MS. CANONIE: Objection; form,		14 recognize this, Mr. Malone?	
15 document speaks for itself.		15 A. Yes.	
16 THE WITNESS: Yes.		16 Q. And what is it?	
17 BY MS. TARABISHY:		17 MS. CANONIE: Okay. Yeah. Okay.	
18 Q. Let's look at page 3, Bates Number		18 THE WITNESS: Those are the latent	
19 City 20718. Would this be the other side of		19 lifts.	
20 the envelope?		20 BY MS. TARABISHY:	
21 A. Yes. It should be, yes.		21 Q. Let's start with the lift at the top.	
22 Q. And that's a list of the identified		22 Do you see the small sticker in the upper left	
23 prints contained in the envelope?		23 corner?	
24 A. Yes.		24 A. Yes.	
	98		100
1 Q. For Davion Allen we have left and		1 Q. And in your experience, who would have	
2 right palm, and finger number seven,		2 created and placed that sticker on the lift?	
3 impression from green Pontiac Bonneville on		3 MS. CANONIE: Objection; form, calls	
4 sales lot; correct?		4 for speculation, incomplete hypothetical.	
5 MS. CANONIE: Objection; form,		5 THE WITNESS: It -- the evidence	
6 document speaks for itself.		6 technician.	
7 THE WITNESS: Yeah.		7 BY MS. TARABISHY:	
8 BY MS. TARABISHY:		8 Q. What is the purpose of doing that?	
9 Q. And for Lemont Campbell, finger number		9 MS. CANONIE: Objection; form,	
10 one impression on '92 Pontiac at 2417 West		10 foundation.	
11 70th Street; correct?		11 THE WITNESS: To label -- no -- to	
12 MS. CANONIE: Objection; form,		12 tell -- to notate where he recovered the --	
13 document speaks for itself.		13 this lift and these prints from.	
14 THE WITNESS: Yes.		14 BY MS. TARABISHY:	
15 BY MS. TARABISHY:		15 Q. The sticker has the case number for	
16 Q. Next to each identification there is		16 the double homicide investigation. Again,	
17 "MM" and "JC." That indicates that you and		17 V594269; right?	
18 Joseph Calvo made the identification; correct?		18 MS. CANONIE: Objection; form,	
19 A. Yes.		19 foundation.	
20 Q. And the dates June 15, 2009, would		20 THE WITNESS: Yes.	
21 that be the dates that you made the		21 BY MS. TARABISHY:	
22 identification?		22 Q. And it says [as read]:	
23 MS. CANONIE: Objection; form,		23 "Homicide, December 4,	
24 foundation.		24 1994. 7004 South	

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26 (101 to 104)

	101	103
1 Western."	1 BY MS. TARABISHY:	
2 Do you see that?	2 Q. And for the examiners to place their	
3 A. Yes.	3 initials on the lift after making or	
4 Q. Driver side front fender of green	4 corroborating an identification?	
5 Pontiac Bonneville on sales lot?	5 A. Yes.	
6 A. Yes.	6 Q. Would a latent print examiner make any	
7 Q. So this describes the origin of the	7 notations on the lift if no identification was	
8 latent print lift on this slide?	8 made?	
9 A. Yes.	9 MS. CANONIE: Objection; form,	
10 Q. Do you see the writing in blue?	10 foundation, incomplete hypothetical, calls for	
11 A. Yes.	11 speculation.	
12 Q. Is this your handwriting?	12 BY MS. TARABISHY:	
13 A. Yes.	13 Q. You can answer.	
14 Q. Can you read what it says, please?	14 A. Oh, yes. In some -- some instances,	
15 A. Yes. [As read]:	15 yes.	
16 "IDENT right palm. Davion	16 Q. What would you -- would you indicate	
17 Allen. IR number 1170632,	17 on the lift that no identification was made?	
18 15, June '09."	18 MS. CANONIE: Objection; form.	
19 My initials, my star number, and	19 THE WITNESS: No. You would -- you	
20 14A-B, and "right palm," and my initials with	20 may put the word "open" either with some kind	
21 Joe Calvo's initials, initials under mine.	21 of an arrow indicating the location of the	
22 Q. Where it says 14A-B, does that	22 print on the lift.	
23 indicate this lift contains latent prints 14A	23 BY MS. TARABISHY:	
24 and 14B?	24 Q. "Open" means an unidentified print?	
	102	104
1 MS. CANONIE: Objection; form.	1 A. Yes, an open unidentified impression,	
2 THE WITNESS: I -- yes, to the best of	2 a print, yes.	
3 my recollection.	3 Q. Let's look at the slide on the bottom	
4 BY MS. TARABISHY:	4 of the page. I'll read again what's on the	
5 Q. Your initials on this lift indicate	5 right sticker [as read]:	
6 that you made an identification; correct?	6 "Z594269, homicide.	
7 A. Yes.	7 December 4, 1995. 7004	
8 Q. Joseph Calvo's initials indicate that	8 South Western. Fender of	
9 he corroborated your identification?	9 a green Pontiac Bonneville	
10 A. Yes.	10 on sales lot."	
11 Q. So lift 14B was independently examined	11 This describes the origin of the	
12 by you and Joseph Calvo; correct?	12 latent print lift; correct?	
13 A. Yes.	13 MS. CANONIE: Objection; form,	
14 Q. And both of you reached the conclusion	14 foundation, document speaks for itself.	
15 that the latent print on this lift matches	15 THE WITNESS: Yes.	
16 Davion Allen's right palm?	16 BY MS. TARABISHY:	
17 A. Yes.	17 Q. And the writing in blue is, again,	
18 Q. Was it the practice of the latent	18 your handwriting; correct?	
19 print unit in 2009 for examiners to summarize	19 A. Yes.	
20 the identification made on the lift itself in	20 Q. It says [as read]:	
21 the manner that you and Mr. Calvo did?	21 "Identified left palm	
22 MS. CANONIE: Objection; form.	22 Davion Allen, IR number	
23 THE WITNESS: Yes.	23 1170632, June 15, 2009."	
24	24 And then it has your initials and star	

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27 (105 to 108)

	105		107
1	number; correct?	1	THE WITNESS: Yes.
2	MS. CANONIE: Objection; document	2	BY MS. TARABISHY:
3	speaks for itself.	3	Q. And the writing in blue is yours;
4	THE WITNESS: Yes.	4	correct?
5	BY MS. TARABISHY:	5	A. Yes.
6	Q. Then it says "13A"?	6	Q. In the upper right corner it says,
7	A. Yes.	7	"12-2"?
8	Q. So the lift here is numbered 13A?	8	A. Yes.
9	A. Yes.	9	Q. This is the lift number?
10	Q. So we're at the middle, it says left	10	MS. CANONIE: Objection; form.
11	palm; right?	11	THE WITNESS: Yes.
12	Next to your initials?	12	BY MS. TARABISHY:
13	A. Yes, yes.	13	Q. Then it says [as read]:
14	Q. And this indicates that you made an	14	"Identified finger number
15	identification?	15	seven, Davion Allen. IR
16	A. Yes.	16	number 1176032, 15, June,
17	Q. And then it has "JC" for Joseph Calvo?	17	2009."
18	A. Yes.	18	Correct?
19	Q. Which indicates he corroborated the	19	A. Yes.
20	identification?	20	Q. And then it has your initials and star
21	A. Yes.	21	number?
22	Q. So lift 13A was independently examined	22	A. Yes.
23	by you and Joseph Calvo?	23	Q. And toward the bottom it says in blue,
24	MS. CANONIE: Objection; form.	24	again, the number seven?
	106		108
1	THE WITNESS: Yes.	1	A. Yes.
2	BY MS. TARABISHY:	2	Q. Which finger is that?
3	Q. And both of you reached the conclusion	3	A. Number seven is the left index finger.
4	that latent print 13A matches Davion Allen's	4	Q. Then the initials "MM" indicating you
5	left palm?	5	made this identification; correct?
6	MS. CANONIE: Form.	6	A. Yes.
7	THE WITNESS: Yes.	7	Q. And the initials "JC," indicating
8	BY MS. TARABISHY:	8	Joseph Calvo corroborated the identification?
9	Q. Let's go down to page 10 of the PDF	9	A. Yes.
10	file, please. Bates Number City 20725, and	10	Q. Lift 12-2 was independently examined
11	we'll go through the same questions.	11	by you and Joseph Calvo; correct?
12	Are you on page 10?	12	MS. CANONIE: Objection; form.
13	A. Yes.	13	THE WITNESS: Yes.
14	Q. And the white sticker in the	14	BY MS. TARABISHY:
15	upper-left corner says [as read]:	15	Q. And both of you reached the conclusion
16	"Z594269. Homicide,	16	that latent print 12-2 matches Davion Allen's
17	December 4, 1995, 7004	17	left index finger?
18	South Western. Hood of	18	MS. CANONIE: Form.
19	vehicle, green Pontiac	19	THE WITNESS: Yes.
20	Bonneville on sales lot."	20	BY MS. TARABISHY:
21	This describes the origin of the	21	Q. I have one more page to go over in
22	latent print on this lift; correct?	22	this exhibit, page 13 of the PDF file, Bates
23	MS. CANONIE: Objection; form,	23	Number City 20728.
24	document speaks for itself.	24	A. Yes.

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28 (109 to 112)

	109		111
1	Q. The white sticker says [as read]:	1	Q. So lift 15B was independently examined
2	"Z594269, homicide,	2	by you and Joseph Calvo?
3	December 4, 1995, 7004	3	MS. CANONIE: Objection form.
4	South Western. Passenger	4	THE WITNESS: Yes.
5	front exterior door latch,	5	BY MS. TARABISHY:
6	'92 Pontiac. License	6	Q. And both of you reached the conclusion
7	number DL5521 at 2417 West	7	that the latent print 15B matches Lamont
8	70th Street.	8	Campbell's right thumb?
9	This is the origin of a latent print	9	MS. CANONIE: Object to form.
10	on this lift; correct?	10	THE WITNESS: Yes.
11	MS. CANONIE: Objection; form,	11	MS. TARABISHY: You can take down this
12	document speaks for itself.	12	exhibit. And please pull up Exhibit 214,
13	THE WITNESS: Yes.	13	again, the June 2019 report.
14	BY MS. TARABISHY:	14	Pull up the first page, please, Bates
15	Q. And the writing in blue is your	15	Number City 20581.
16	handwriting; correct?	16	BY MS. TARABISHY:
17	A. Yes.	17	Q. Looking at the second-to-last
18	Q. In the upper right corner it says	18	paragraph, 1584551 was the inventory number
19	"15B," do you see that?	19	for the nine negatives that were in the latent
20	A. Yes.	20	print unit's possession. Those were referred
21	Q. This is lift number 15B?	21	in the court order that we looked at earlier;
22	A. Yes.	22	correct?
23	Q. And vertically along the right side of	23	MS. CANONIE: Objection; form.
24	this -- of the lift we have the following in	24	THE WITNESS: Yes.
	110		112
1	blue [as read]:	1	BY MS. TARABISHY:
2	"Identified finger number	2	Q. Latent print 1A was recovered from a
3	one, Lamont Campbell, IR	3	black and orange sticker?
4	number 101532115,	4	A. Yes.
5	June 2009."	5	Q. Do you have any knowledge about the
6	Right?	6	method used to develop this print back in '95?
7	A. Yes.	7	MS. CANONIE: Objection; form.
8	Q. And these are your initials?	8	THE WITNESS: No.
9	A. Yes.	9	BY MS. TARABISHY:
10	Q. And star number?	10	Q. You ran an AFIS search for latent
11	A. Yes.	11	print number 1A; correct?
12	Q. To the left of the lift it says	12	A. Yes.
13	"number one." Which finger is that?	13	Q. Then you conducted a manual
14	A. The right thumb.	14	comparison?
15	Q. And then your initials, "MM"?	15	MS. CANONIE: Objection; form.
16	A. Yes.	16	THE WITNESS: Yes.
17	Q. This indicates that you made the	17	BY MS. TARABISHY:
18	identification?	18	Q. This resulted in identifying latent
19	A. Yes.	19	print number 1A to the fingerprint standard
20	Q. And then the initials "JC"?	20	bearing the name Davion Allen, IR number
21	A. Yes.	21	1170632, SID number 39123760; correct?
22	Q. And this indicates that Joseph Calvo	22	A. Yes.
23	corroborated your identification?	23	Q. Latent print examiner Joseph Calvo
24	A. Yes.	24	independently conducted a comparison?

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29 (113 to 116)

	113		115
1	MS. CANONIE: Objection; form.	1	MS. CANONIE: Objection; form,
2	THE WITNESS: Yes.	2	foundation.
3	BY MS. TARABISHY:	3	THE WITNESS: If we had their
4	Q. And he concurred with your findings?	4	elimination print standards we would have.
5	A. Yes.	5	BY MS. TARABISHY:
6	Q. Meaning latent print 1A is a certain	6	Q. But you do not have an independent
7	match to Davion Allen?	7	memory of doing that?
8	MS. CANONIE: Objection; form.	8	A. No. Not exactly, no.
9	THE WITNESS: Yeah.	9	Q. Mr. Moses did not send tracings of all
10	BY MS. TARABISHY:	10	the latent prints that you scanned and sent to
11	Q. Let's go to the next page, please.	11	him; correct?
12	A. Yes.	12	MS. CANONIE: Objection; form,
13	Q. Toward the end of the report it says	13	foundation.
14	[as read]:	14	THE WITNESS: I don't recall.
15	"The open sortable latent	15	BY MS. TARABISHY:
16	impressions recording	16	Q. In the court order that we looked at
17	under lift tracing numbers	17	14 lifts and nine negatives;
18	1B, 2A, 5A, 7A, 8A, 8C,	18	correct?
19	11-2, 14A were submitted	19	A. Fourteen lifts and nine negatives.
20	to AFIS/APIS with negative	20	Oh, yes. Uh-huh.
21	results."	21	Q. And this report indicates that you
22	Can you explain what this means?	22	received 13 tracings from Mr. Moses?
23	A. Yes. That -- yes, these are the	23	A. Yes.
24	impressions on those -- on those particular	24	Q. Does that indicate to you that there
	114		116
1	lifts or tracings were submitted to AFIS or	1	were some latent prints for which Mr. Moses
2	APIS, if they were palm prints, AFIS if they	2	did not send back a tracing?
3	were fingerprints, with negative results,	3	A. Is that -- that's -- yes, that's
4	meaning there was not a match with respect to	4	possible, yes.
5	the candidate list supplied to AFIS from AFIS.	5	Q. For the latent impressions that
6	Q. For these latent impressions that did	6	Mr. Moses did not trace, did you conduct any
7	not result in an AFIS hit, did you conduct any	7	examination to determine if those prints were
8	direct comparisons to known standards?	8	suitable for comparison or suitable for AFIS?
9	MS. CANONIE: Objection; form.	9	MS. CANONIE: Objection; form.
10	BY MS. TARABISHY:	10	THE WITNESS: Yes. We would have
11	Q. Other than the ones generated by AFIS?	11	examined all the prints, yes.
12	MS. CANONIE: Objection; form.	12	BY MS. TARABISHY:
13	THE WITNESS: They would have been	13	Q. Would you -- would you have ran a
14	compared to the print standards of the -- the	14	report indicating which prints you determined
15	individuals listed above. There were -- that	15	were suitable for comparison or suitable for
16	were identified through AFIS.	16	AFIS?
17	BY MS. TARABISHY:	17	MS. CANONIE: Objection; form,
18	Q. So you would have compared each of	18	incomplete -- calls for speculation,
19	these latent impressions to Davion Allen and	19	incomplete hypothetical.
20	Lamont Campbell?	20	THE WITNESS: I do not recall that.
21	A. Yes.	21	BY MS. TARABISHY:
22	Q. Did you also compare each of these to	22	Q. You've already identified for us your
23	the known standards for the two victims in	23	signature at the bottom of this page. Did you
24	this case?	24	author this report?

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30 (117 to 120)

	117	119
1 A. Yes.		1 BY MS. TARABISHY:
2 Q. And your signature indicates that this		2 Q. Do you remember when you received that
3 report is true and accurate to the best of		3 report?
4 your knowledge; correct?		4 A. No.
5 A. Yes.		5 MS. TARABISHY: Would you please pull
6 Q. And that you followed proper		6 up exhibit titled, "June 2009 addendum." This
7 procedures in your examination?		7 was previously marked as Exhibit 216 at the
8 MS. CANONIE: Objection; form.		8 deposition of Gary Simon, and this is a 1-page
9 THE WITNESS: Yes.		9 PDF Bates stamped City 20583.
10 BY MS. TARABISHY:		10 MS. CANONIE: One second. I'm not
11 Q. And that you are highly confident of		11 seeing...
12 the identifications that you made?		12 THE WITNESS: You just have to enlarge
13 A. Yes.		13 it.
14 Q. What is your degree of confidence in		14 MS. CANONIE: Can you enlarge it and
15 these identifications?		15 we can read it off -- oh, I found it. Here it
16 MS. CANONIE: Objection; form.		16 is.
17 THE WITNESS: Yes, I'm confident and		17 THE WITNESS: Oh, okay. They enlarged
18 100 percent sure that the identifications made		18 it. Okay.
19 were true.		19 MS. CANONIE: Thank you.
20 BY MS. TARABISHY:		20 THE WITNESS: All right.
21 Q. This report is dated June 15, 2009.		21 Okay. Yes.
22 Do you see that?		22 BY MS. TARABISHY:
23 A. Yes.		23 Q. Do you recognize this document?
24 Q. And that was the same dates on the		24 A. Yes.
	118	120
1 blue markings on the lifts that we just looked		1 Q. And what is it?
2 at in the previous exhibit; correct?		2 A. A report summarizing defense expert
3 A. I don't recall. I would have to look		3 Kenneth Moses's findings.
4 back at those, but...		4 Q. This document is summarizing Ken
5 Q. You can look back if you want to,		5 Moses's findings, is that what you said?
6 if...		6 A. Yes.
7 A. Yes, mm-hmm.		7 Q. I'll give you a minute just to read
8 Q. So June 15, 2009, was the day that you		8 through this first paragraph.
9 made all of these identifications?		9 A. Yes, mm-hmm. Okay.
10 A. Oh.		10 Q. Do you see your signature anywhere in
11 MS. CANONIE: Objection; form.		11 this document?
12 THE WITNESS: I'd have to look through		12 A. Yes.
13 them, refresh my memory.		13 MS. TARABISHY: Can you scroll down,
14 Yes.		14 please to the signature area? Thank you.
15 MS. TARABISHY: You can take down this		15 BY MS. TARABISHY:
16 exhibit. Thank you.		16 Q. And that's above the line where it
17 BY MS. TARABISHY:		17 says [as read]:
18 Q. Did you receive a report of the		18 "Examined by latent print
19 findings made by fingerprint expert Ken Moses?		19 examiner Michael Malone,
20 MS. CANONIE: Objection; form.		20 Star number 10389"?
21 THE WITNESS: I believe -- I believe		21 A. Yes.
22 so, yes. I believe we received the report		22 Q. Do you see Joseph Calvo's signature on
23 from Mr. Moses.		23 this document?
24		24 A. Yes.

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31 (121 to 124)

	121		123
1	Q. And that's under your own signature;	1	same matches as you and Mr. Calvo?
2	correct?	2	MS. CANONIE: Objection; form,
3	A. Yes.	3	foundation.
4	Q. Can you read the date on this	4	THE WITNESS: I'm sorry. I don't
5	document?	5	understand that question. Could you repeat
6	MS. TARABISHY: If you can, go back	6	that one, please?
7	up, please.	7	BY MS. TARABISHY:
8	THE WITNESS: Yes. 23, June 2009.	8	Q. Sure.
9	BY MS. TARABISHY:	9	Ken Moses independently found the same
10	Q. And does reading this document refresh	10	matches that you and Mr. Calvo did; correct?
11	your recollection on when the latent print	11	MS. CANONIE: Objection; form,
12	unit received the report of findings by	12	foundation.
13	Mr. Moses?	13	THE WITNESS: Well, that isn't
14	A. Yes.	14	indicated. I -- we sent him our -- the result
15	Q. When was that?	15	15 of our findings and -- and unless he didn't
16	A. 23, June 2009.	16	16 agree with it or something, we had no
17	Q. Is that the date of the report or the	17	17 indication other than this report.
18	date of -- if you can, read the first sentence	18	BY MS. TARABISHY:
19	19 of the report itself?	19	Q. According to this report, Mr. Moses's
20	A. Yes. [As read]:	20	20 own report included the five identifications
21	"On 18, June 2009, the	21	21 that were made by you and Mr. Calvo; correct?
22	Chicago Police Department,	22	MS. CANONIE: [Inaudible].
23	the latent unit, received	23	THE COURT REPORTER: I'm sorry? I
24	a report from professor	24	didn't hear you, Ms. Canonie.
	122		124
1	Steven A. Drizen	1	MS. CANONIE: I said have him read.
2	summarizing defense expert	2	He's confused on what you're asking.
3	Kenneth R Moses's	3	THE WITNESS: Yes. An additional
4	findings."	4	identification was included on report with his
5	Q. So you received Mr. Moses's findings	5	5 findings, yes.
6	on June 18th; correct?	6	BY MS. TARABISHY:
7	A. Yes.	7	Q. And this additional identification was
8	Q. And this was three days after you and	8	8 made from lift tracing number 7A, ridge
9	Mr. Calvo made your identifications; correct?	9	9 impression from green sticker luxury car;
10	A. You said three days?	10	10 correct?
11	MS. CANONIE: Objection.	11	A. Yes.
12	BY MS. TARABISHY:	12	Q. And it identified Khaled Ibrahim, one
13	Q. Yes. The documents we looked at	13	13 of the victims in this case; correct?
14	before, you dated your identifications	14	A. Yes.
15	June 15, 2009. And this document indicates	15	Q. After receiving this additional
16	that you received Mr. Moses's report on	16	16 identification and Mr. Moses's report, did you
17	June 19 of 2009.	17	17 and Joseph Calvo conduct an independent
18	MS. CANONIE: I'm going to object to	18	18 examination of lift tracing number 7A?
19	the form because not all identifications are	19	A. Yes.
20	in that exhibit.	20	Q. And you verified the identification of
21	THE WITNESS: 15, June 2009 was	21	21 Khaled Ibrahim?
22	correct, three days after, yeah.	22	A. Yes.
23	BY MS. TARABISHY:	23	MS. TARABISHY: We're done with this
24	Q. So Ken Moses independently found the	24	24 exhibit. Thank you.

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32 (125 to 128)

	125		127
1 Could we take a quick ten-minute 2 break, please?		1 Q. So the case jacket itself has some 2 writing on it. Is that what you're saying?	
3 THE VIDEOGRAPHER: We are going off 4 the record at 12:37.		3 A. Yes, it would have --	
5 (Whereupon, a recess was 6 had.)		4 Q. And -- and you reviewed that writing 5 as part of your initial review of the case 6 material?	
7 THE VIDEOGRAPHER: We are back on the 8 record at 12:53.		7 MS. CANONIE: Objection; form, 8 mischaracterizes prior testimony.	
9 BY MS. TARABISHY:		9 THE WITNESS: Yes. I would have 10 reviewed -- or looked at the jacket.	
10 Q. Mr. Malone, you said that when you 11 received this case assignment you were given a 12 court order and a case jacket; correct?		11 MS. TARABISHY: Let's pull up 12 exhibit titled, "envelope of negatives" 13 previously marked as Exhibit 217 at the 14 deposition of Carey Simon.	
13 A. Yes.		15 MS. CANONIE: Noor, one second. I'm 16 going to the -- do you want the colored 17 version as well?	
14 Q. And that case jacket contained crime 15 scene processing reports, lifts, and 16 negatives; correct?		18 MS. TARABISHY: Yes, please.	
17 MS. CANONIE: Objection; form, 18 mischaracterizes the testimony.		19 BY MS. TARABISHY:	
19 THE WITNESS: Yes.		20 Q. This is a 15-page PDF consecutively 21 Bates stamped City 20766 through 20780.	
20 BY MS. TARABISHY:		22 MS. TARABISHY: Can we zoom in a 23 little bit, please? Thank you.	
21 Q. Did you look at that material in that 22 case jacket before you started your work on 23 this case?		24 MS. CANONIE: 20766 to 20780?	
24 MS. CANONIE: Objection; form.	126		128
1 THE WITNESS: I'm sorry. What was 2 that? Can you repeat that one, please?		1 MS. TARABISHY: Yes.	
3 BY MS. TARABISHY:		2 BY MS. TARABISHY:	
4 Q. Did you review the materials in the 5 case jacket before you started your own work 6 on the case?		3 Q. Do you recognize this envelope on the 4 first page?	
7 MS. CANONIE: Objection; form.		5 A. Yes.	
8 THE WITNESS: Yes.		6 Q. And what is it?	
9 BY MS. TARABISHY:		7 A. The envelope which we would have made 8 for the nine negatives.	
10 Q. You did so to determine what work was 11 done on the case before it was handed to you?		9 Q. It has the case number for the double 10 homicide investigation is Z594269; correct?	
12 MS. CANONIE: Objection; form, 13 foundation.		11 MS. CANONIE: Objection; foundation.	
14 THE WITNESS: No.		12 THE WITNESS: Yes.	
15 BY MS. TARABISHY:		13 BY MS. TARABISHY:	
16 Q. So what is the reason you looked 17 through the material in the case jacket?		14 Q. And it contains nine negatives from 15 stickers?	
18 A. Just to see what material was 19 involved, what we were -- I had to work with.		16 A. Yes.	
20 Q. Did you look at what identifications 21 were made at that time of the original case in 22 1995?		17 Q. It indicates that two of these 18 negatives are duplicates?	
23 A. That would have been on the case 24 jacket. So I probably would have noticed it.		19 A. Yes.	
		20 Q. And what does that mean?	
		21 A. Two of them would have been, you know, 22 the same.	
		23 Q. So they would have been identical 24 images of the same print?	

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33 (129 to 132)

	129	131
1 A. Yes.		1 (Indiscernible simultaneous 2 colloquy.)
2 MS. TARABISHY: Can you scroll down a		3 BY MS. TARABISHY:
3 little bit, please?		4 Q. Just under the white X?
4 BY MS. TARABISHY:		5 A. Yes.
5 Q. At the bottom of the envelope these		6 Q. What does this half circle indicate?
6 are Joseph Calvo's initials and star number.		7 A. That that's impress- -- the 8 impression marked 1A.
7 A. Yes.		9 Q. So this half circle surrounds the 10 impression 1A?
8 MS. TARABISHY: Let's go to page 7 of		11 A. Yes.
9 the exhibit, Bates Number City 20772.		12 Q. Right above that half circle it has 13 the number "1" and then we have your initials. 14 Do you see that?
10 BY MS. TARABISHY:		15 A. Yes.
11 Q. At the bottom of --		16 Q. The number 1 means this is the right 17 thumb?
12 A. Yes.		18 A. Yes.
13 Q. -- the negative it says in blue		19 Q. And your initials here indicate you 20 made the identification?
14 "1A-B"?		21 A. Yes.
15 A. Yes.		22 Q. And under that are Joseph Calvo's 23 initials?
16 Q. So this negative contains latent		24 A. Yes.
17 prints numbered 1A and 1B?		
18 A. Yes.	130	132
19 Q. And there's a small sticker 20 identifying the negative. Do you see that?		1 Q. Which indicates that he corroborated 2 your identification?
21 A. There are two small stickers. Which		3 A. Yes.
22 one are you --		4 Q. At the bottom there's some more 5 writing in the blue ink, it says [as read]:
23 Q. I'm sorry.		6 "Identified finger number 7 one, Davion Allen. IR 8 number 1170632, 15, 9 June 2009."
24 A. -- referring to?		10 Do you see that?
1 Q. The one in the lower portion that says		11 A. I see it in red ink. I see it, yes.
2 December 5, 1995.		12 Q. Yeah. Then it's your initials; 13 correct?
3 A. Yes, mm-hmm.		14 A. Yes.
4 Q. And it says [as read]:		15 Q. And your star number?
5 "Homicide Z594269.		16 A. Yes.
6 Inventory number 1584551,		17 Q. So negative number 1A was
7 black and orange sticker."		18 independently examined by you and Joseph 19 Calvo?
8 A. Yes.		20 MS. CANONIE: Objection; form.
9 Q. So the print on this negative came		21 THE WITNESS: Yes.
10 from a black and orange sticker?		22 BY MS. TARABISHY:
11 MS. CANONIE: Objection; form,		23 Q. And both of you reached the conclusion
12 document speaks for itself.		24 that latent print 1A matches Davion Allen's
13 THE WITNESS: Yes.		
14 BY MS. TARABISHY:		
15 Q. Can you see the writing in the lower		
16 portion and in the margin in a purple or blue		
17 ink?		
18 A. Yes, mm-hmm.		
19 Q. Did you write this?		
20 A. Yes. In the blue ink, yes.		
21 Q. There's a half circle in the lower		
22 portion of the negative with "1A" written		
23 above it. Do you see that next to the white		
24 X --		

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34 (133 to 136)

	133		135
1 right thumb?		1 sticker luxury car."	
2 MS. CANONIE: Objection; form.		2 Correct?	
3 THE WITNESS: Yes.		3 A. Yes.	
4 BY MS. TARABISHY:		4 Q. So the print on this negative came	
5 Q. Do you see the yellow Post-it note in		5 from a green sticker that said "luxury car"?	
6 the upper left corner?		6 MS. CANONIE: Objection; form,	
7 MS. TARABISHY: If you can zoom out,		7 document speaks for itself.	
8 please.		8 THE WITNESS: Yes.	
9 THE WITNESS: Yes.		9 BY MS. TARABISHY:	
10 BY MS. TARABISHY:		10 Q. In blue -- the writing in blue is your	
11 Q. Do you know who created the Post-it		11 handwriting; correct?	
12 note?		12 A. Yes.	
13 A. I did.		13 Q. And it says [as read]:	
14 Q. And what is the reason that you did		14 "Identified finger number	
15 that?		15 seven, Khaled Ibrahim,	
16 A. Just to note it.		16 victim. SID number	
17 Q. So on that yellow Post-it note you		17 31778620, 23, June 2009."	
18 indicate that for latent print 1A you had an		18 Right?	
19 AFIS system hit for Davion Allen's finger		19 A. Yes.	
20 number one; correct?		20 Q. Then the initials "MM" and the star	
21 A. Yes.		21 number 10389; right?	
22 Q. But for latent print 1B, there was no		22 A. Yes.	
23 hit; correct?		23 Q. These are your initials?	
24 A. Yes.		24 A. Yes.	
	134		136
1 Q. It says "CPD, ISP"?		1 Q. And your star number?	
2 A. Yes.		2 A. Yes.	
3 Q. What does that mean?		3 Q. This indicates that you identified the	
4 A. That there was no hit in the Chicago		4 print on this negative as belonging to Khaled	
5 Police Department's fingerprint database		5 Ibrahim's left index finger; correct?	
6 or -- and no hit in the Illinois State Police		6 A. Yes.	
7 fingerprint database.		7 Q. You see the initials "JC" in slightly	
8 Q. So as a latent print examiner in 2009,		8 darker ink underneath your own initials?	
9 you had access to the database for the Chicago		9 A. Yeah.	
10 Police Department, and for the Illinois State		10 Q. And this indicates Joseph Calvo	
11 Police; correct?		11 corroborated your identification?	
12 A. Yes.		12 A. Yes.	
13 Q. Did you have access to search any		13 Q. So negative number 7A was	
14 other databases?		14 independently examined by you and Joseph	
15 A. No.		15 Calvo?	
16 Q. Let's go down to page 13 of the PDF,		16 MS. CANONIE: Objection; form.	
17 please. Bates Number City 20778.		17 THE WITNESS: Yes.	
18 This would be negative number 7A;		18 BY MS. TARABISHY:	
19 correct?		19 Q. And both of you reached the conclusion	
20 A. Yes.		20 that latent print 7A matches Khaled Ibrahim's	
21 Q. And the small sticker says [as read]:		21 left fing- -- index finger?	
22 "Five, December '95, G/V		22 MS. CANONIE: Objection; form.	
23 homicide Z594269.		23 THE WITNESS: Yes.	
24 Inventory 1584551. Green		24 MS. TARABISHY: Let's go back to	

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35 (137 to 140)

	137	139
1 page 2 of the PDF Bates Number City 20767.		1 "black and orange sticker"; correct?
2 THE WITNESS: Yeah.	2 A. 307.	3 MS. CANONIE: Can we have the Bates
3 BY MS. TARABISHY:		4 Number, please?
4 Q. This would be the other side of the	5 THE WITNESS: The Bates Number.	
5 envelope containing the negatives; correct?	6 MS. TARABISHY: Of course. The Bates	7 Number -- can you scroll down a little bit so
6 MS. CANONIE: Objection; form.	8 I can see the Bates Number?	9 20772.
7 THE WITNESS: Yes.	10 THE WITNESS: All right. Yes. And	11 the question again?
8 BY MS. TARABISHY:	12 BY MS. TARABISHY:	
9 Q. And it contains a list of the	13 Q. So just reviewing that, the print on	14 this page, 1A, matched Davion Allen and came
10 identified prints contained in the envelope;	15 from a black and orange sticker; correct?	16 MS. CANONIE: Objection; form,
11 correct?	17 foundation. He didn't put the white sticker	18 on.
12 MS. CANONIE: Objection; form,	19 BY MS. TARABISHY:	
13 foundation.	20 Q. Yes, you can answer, Mr. Malone.	
14 THE WITNESS: Yes.	21 A. The white sticker says "black and	22 orange sticker."
15 BY MS. TARABISHY:	23 Q. Okay.	
16 Q. Next to the top two identifications	24 A. Black sticker.	
17 there is an "MM/JC?" Do you see that?		
18 A. Oh, yes, uh-huh.		
19 Q. And that indicates that you and Joseph		
20 Calvo made these two identifications; correct?		
21 A. Yes.		
22 Q. The dates indicate that Khaled Ibrahim		
23 identification was made on June 23, 2009?		
24 A. Yes.		
	138	140
1 Q. And for Davion Allen on June 15, 2009?	1 Q. Okay. That's my question.	
2 A. Yes.	2 And then if you go to page 13, Bates	
3 Q. Joseph Calvo wrote this?	3 Number City 20778, that's the Khaled Ibrahim	
4 MS. CANONIE: Objection; form,	4 identification, correct, for latent print 7A?	
5 foundation, calls for speculation.	5 MS. CANONIE: Objection; form.	
6 THE WITNESS: Yes.	6 THE WITNESS: Yes.	
7 BY MS. TARABISHY:	7 BY MS. TARABISHY:	
8 Q. And in the bottom are his initials and	8 Q. And the white sticker that identifies	
9 star number?	9 the origin says "luxury" -- "green sticker	
10 A. Yes.	10 luxury car." Do you see that?	
11 Q. Do you notice any inaccuracies in the	11 A. Yes.	
12 recording of these two identifications?	12 Q. Okay. Now, let's go back to page 2,	
13 MS. CANONIE: Objection; form.	13 please. Bates Number City 20767. Here it	
14 THE WITNESS: No.	14 says "Khaled Ibrahim, victim" on black and	
15 BY MS. TARABISHY:	15 orange sticker, and "Davion Allen" on green	
16 Q. So in the negatives that we just	16 luxury car sticker. Do you see that?	
17 looked at, Davion Allen's print was on a black	17 A. Yeah.	
18 and orange sticker. Do you remember that or	18 Q. Do you see that this is the opposite	
19 do you want us to go back to that page, that	19 of what was on the negatives themselves?	
20 would be --	20 MS. CANONIE: Objection; form.	
21 A. Go back --	21 THE WITNESS: I'd have to put them	
22 Q. -- page 7.	22 side by side and -- and look at that again.	
23 Do you see, it says, in your writing,	23 So if I could have those numbers again, I'd	
24 "Davion Allen," and the little sticker says,	24 have to do that.	

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36 (141 to 144)

	141		143
1	MS. TARABISHY: Page --	1	A. Yes.
2	THE WITNESS: Going back and forth.	2	Q. Looking at the first -- I'm sorry.
3	BY MS. TARABISHY:	3	A. The number is different because the
4	Q. -- 13?	4	Bates Number is a little different.
5	A. I'm sorry?	5	MS. CANONIE: Okay. Let me see it.
6	Q. Page 7 -- 7 and 13 of the exhibit that	6	(Indiscernible simultaneous
7	you have in your hands, had the --	7	colloquy.)
8	A. The Bates Numbers?	8	MS. TARABISHY: 20658 through 20662.
9	And the Bates Numbers?	9	MS. CANONIE: Okay.
10	Q. City 20772, and City 20778.	10	THE WITNESS: You said "85" at first.
11	A. Okay. I have them side by side now.	11	Okay.
12	Q. And my question is: The location for	12	MS. TARABISHY: I might have misspoke.
13	each negative, that's recorded on the negative	13	Sorry.
14	itself. It's the opposite of what's recorded	14	THE WITNESS: I got it. I have it,
15	on the envelope we just looked at.	15	yes.
16	So the negative says Davion Allen's	16	BY MS. TARABISHY:
17	print was on the black and orange sticker, and	17	Q. So looking at the first page, Bates
18	Khaled Ibrahim on the green luxury car	18	Number City 20685 [sic], can you describe what
19	sticker, and it says the opposite on the	19	this document is?
20	envelope on page 2.	20	A. That's an arrest card of -- for -- of
21	MS. CANONIE: Objection; form.	21	Khaled Ibrahim.
22	THE WITNESS: Yes, I see that.	22	Q. Do you see your initials on this
23	BY MS. TARABISHY:	23	document?
24	Q. And do you notice a discrepancy?	24	A. Yes.
	142		144
1	MS. CANONIE: Objection; form.	1	Q. And do you see Mr. Calvo's initials?
2	THE WITNESS: Okay. Yes. I notice	2	A. Yes.
3	that.	3	Q. And both of your initials are in the
4	BY MS. TARABISHY:	4	box showing Khaled Ibrahim's left index
5	Q. Do you have an explanation for this?	5	fingerprint; correct?
6	MS. CANONIE: Objection; form,	6	A. Yes.
7	foundation.	7	Q. And the initials on this arrest card
8	THE WITNESS: No.	8	confirm that you and Joseph Calvo made an
9	BY MS. TARABISHY:	9	identification to Khaled Ibrahim's left index?
10	Q. It would just be a recording error on	10	A. Yes.
11	the envelope?	11	MS. TARABISHY: Can you go to the next
12	MS. CANONIE: Objection; form.	12	page, Bates Number City 20659.
13	THE WITNESS: It's possible.	13	BY MS. TARABISHY:
14	MS. TARABISHY: Okay. We're done with	14	Q. Can you describe what this document
15	that exhibit. You can take it down. Thank	15	is?
16	you.	16	A. Arrest card of Davion Allen.
17	And if you can, pull up exhibit	17	Q. Do you see your initials?
18	titled, "arrest cards." This was previously	18	A. Yes.
19	marked as Exhibit 218, the deposition of Carey	19	Q. And do you see Mr. Calvo's initials?
20	Simon.	20	A. Yes.
21	BY MS. TARABISHY:	21	Q. Both of your initials appear in two
22	Q. This is a five-page PDF consecutively	22	boxes; correct?
23	Bates stamped City 20685 [sic] through 20662.	23	A. Yes.
24	Do you have the document with you?	24	Q. And that's for the box showing Davion

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37 (145 to 148)

	145		147
1 Allen's right thumb print, and his left index;		1 A. Yes.	
2 correct?		2 Q. And those appear in the box for Lamont	
3 A. Yes.		3 Campbell's right thumb; correct?	
4 Q. The initials on this arrest card		4 A. Yes.	
5 confirm that you and Joseph Calvo made an		5 Q. And these initials confirmed that you	
6 identification to Davion Allen's left index		6 and Mr. Calvo made an identification to Lamont	
7 and right thumb; correct?		7 Campbell's right thumb; correct?	
8 A. Yes.		8 A. Yes.	
9 Q. Let's go to the next page, please.		9 MS. TARABISHY: You can take down the	
10 Bates Number City 20660. Can you describe		10 exhibit. Thank you.	
11 what this document is?		11 BY MS. TARABISHY:	
12 A. Yes. The palm print of Davion Allen.		12 Q. After you concluded your work on the	
13 Q. And do you see your initials?		13 Charles Johnson case, did you record your	
14 A. Yes.		14 findings on a case jacket?	
15 Q. And Mr. Calvo's?		15 MS. CANONIE: Objection; form.	
16 A. Yes.		16 THE WITNESS: I -- I don't recall if I	
17 Q. The initials on this document confirm		17 recorded it on the case jacket.	
18 that you and Calvo made an identification to		18 MS. TARABISHY: Would the tech please	
19 Davion Allen's left palm?		19 pull up an exhibit entitled, "latent print	
20 MS. CANONIE: Objection; form.		20 evidence, evidence envelope." And this we	
21 THE WITNESS: Yes.		21 will mark as Exhibit 336.	
22 BY MS. TARABISHY:		22 (Whereupon, Deposition	
23 Q. Same questions for the next page,		23 Exhibit No. 336 was	
24 Bates Number City 20661.		24 electronically introduced	
	146		148
1 MS. TARABISHY: The next page, please.		1 for identification and	
2 THE WITNESS: Yes.		2 provided to the court	
3 BY MS. TARABISHY:		3 reporter.)	
4 Q. Can you describe what this document		4 BY MS. TARABISHY:	
5 is?		5 Q. And this is an eight-page PDF. It is	
6 A. The palm card of Davion Allen		6 a group exhibit with Bates stamp City 20781,	
7 representing the right palm.		7 20782, 20714, 20715, 20751, 20752, 20768, and	
8 Q. And do you see your initials?		8 20764.	
9 A. Yes.		9 MS. CANONIE: Can you repeat them for	
10 Q. And Joseph Calvo's?		10 the color version?	
11 A. Yes.		11 MS. TARABISHY: Up --	
12 Q. The initials on this document confirm		12 MS. CANONIE: I have 822.	
13 that you and Joseph Calvo made an		13 MS. TARABISHY: I'm sorry. I didn't	
14 identification to Davion Allen's right palm;		14 get that. The first one is 20781.	
15 correct?		15 MS. CANONIE: But they're not -- and	
16 A. Yes.		16 then what are the -- this isn't a consecutive	
17 Q. Moving on to the last page, Bates		17 Bates stamp?	
18 Number City 20662, can you describe what this		18 MS. TARABISHY: No, it isn't. No,	
19 document is?		19 it's not. It was one PDF, but it's a group	
20 A. The arrest print card of Lamont		20 exhibit. Do you want me to read all the Bates	
21 Campbell.		21 stamps again?	
22 Q. And do you see your initials?		22 MS. CANONIE: Yes.	
23 A. Yes.		23 MS. TARABISHY: 20781, 20782, 20714,	
24 Q. And Mr. Calvo's?		24 20715, 20751, 20752, 20763 and 20764.	

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38 (149 to 152)

	149	151
1 And can you zoom in, please?	1 BY MS. TARABISHY:	
2 THE WITNESS: All right. Okay. I	2 Q. And based on your years of experience	
3 have them.	3 as a latent print examiner in the latent print	
4 BY MS. TARABISHY:	4 unit, you were able to understand the	
5 Q. Looking at the first page, City 20781,	5 notations that were made on the original case	
6 is this your handwriting?	6 jacket; correct?	
7 A. Some of it is, yes.	7 MS. CANONIE: Objection; form,	
8 Q. And this is what you referred to in	8 foundation, incomplete hypothetical.	
9 the latent print unit as a case jacket?	9 THE WITNESS: Yes.	
10 A. Yes.	10 BY MS. TARABISHY:	
11 Q. Which parts of the writing on this	11 Q. Let's go to page 3 of the PDF, please,	
12 case jacket are your handwriting?	12 Bates Number City 20714. The RD number at the	
13 A. In the red on the top -- top of the	13 top is again Z594269. Same number for	
14 AF- -- the word "AFIS hit," in the -- in the	14 the -- for case jacket number four; correct?	
15 left -- in the right hand at the top,	15 A. Yes.	
16 right-hand corner, that information with the	16 Q. And do you see the numbers 1995 in the	
17 RD number, and that -- that particular area	17 right?	
18 there. And the block of information below	18 A. Yes.	
19 that looks like mine, and the other	19 Q. And under that someone wrote, "three	
20 information on the left looks like the	20 jackets"?	
21 handwriting of Joseph Calvo.	21 A. Yes.	
22 Q. Okay. So the RD number at the top is	22 Q. And in the middle of the right portion	
23 Z594269; correct?	23 it says, "part A"?	
24 A. Yes.	24 A. Yes.	
	150	152
1 Q. And that was the RD number we looked	1 Q. So this indicates that this is the	
2 at for the double homicide investigation, yes?	2 first of the three case jackets?	
3 A. Yes, yes.	3 MS. CANONIE: Objection; form,	
4 Q. On the right side of the envelope it	4 foundation.	
5 says, "jacket number four." Do you see that?	5 THE WITNESS: I don't recall what part	
6 A. Yes.	6 A would have meant exactly.	
7 Q. Is that your handwriting?	7 MS. TARABISHY: Can we go to page 5 of	
8 A. Yes.	8 the PDF, please, Bates Number City 20751.	
9 Q. So this indicates that there are	9 BY MS. TARABISHY:	
10 jackets with the numbers 1 through 3	10 Q. Same RD number in the upper right	
11 associated with -- with this case, RD number	11 corner, Z594269; correct?	
12 Z594269; correct?	12 A. Yes.	
13 MS. CANONIE: Objection; form,	13 Q. And again, we have the year 1995, and	
14 foundation, calls for speculation.	14 a notation that says, "three jackets"?	
15 THE WITNESS: Yes.	15 A. Yes.	
16 BY MS. TARABISHY:	16 Q. And this one says, "part B." Do you	
17 Q. And those would be the case jackets	17 see that?	
18 that you reviewed when you were assigned to do	18 A. Yes.	
19 the work of reexamining the fingerprints in	19 Q. So do you take this to mean this would	
20 this case; correct?	20 be the second of the three jackets?	
21 MS. CANONIE: Objection; form,	21 MS. CANONIE: Objection; form,	
22 foundation.	22 foundation.	
23 THE WITNESS: Yes.	23 THE WITNESS: Yeah. Again, I don't	
24	24 recall how they labeled the individual parts	

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39 (153 to 156)

	153		155
1 or jackets.		1 A. Yes.	
2 BY MS. TARABISHY:		2 Q. And then it has the name of the	
3 Q. Okay.		3 suspect as "Davion Allen"?	
4 A. Exactly, no.		4 A. Yes.	
5 Q. Let's go back to the first page,		5 Q. For the names of evidence technicians	
6 please. City 20781.		6 it says "Stankus" and "Karalow." Do you see	
7 A. Yes.		7 that?	
8 Q. What did you place inside this case		8 A. Yes.	
9 jacket?		9 Q. And in red it says [as read]:	
10 A. The -- the information pertaining to		10 "Additional E.T.-SEE CSP	
11 the -- the -- the identification listed on the		11 report."	
12 front of the jacket.		12 Correct?	
13 Q. And what information would that be,		13 A. Yes.	
14 reports that you created?		14 Q. Does this refer to the crime scene	
15 MS. CANONIE: Objection; form.		15 processing reports from the original	
16 THE WITNESS: Yes.		16 investigation in 1995?	
17 BY MS. TARABISHY:		17 MS. CANONIE: Objection; form,	
18 Q. And the latent print lifts on which		18 foundation, calls for speculation.	
19 you indicated your identifications?		19 THE WITNESS: Yeah. I don't -- I	
20 MS. CANONIE: Objection; form,		20 don't recall.	
21 foundation.		21 BY MS. TARABISHY:	
22 THE WITNESS: Yes.		22 Q. Where would you get the names of the	
23 BY MS. TARABISHY:		23 evidence technicians to record on the case	
24 Q. And the negatives on which you also		24 jacket?	
	154		156
1 made an identification?		1 MS. CANONIE: Objection; form.	
2 MS. CANONIE: Objection; form,		2 THE WITNESS: From the crime scene	
3 foundation, mischaracterizes prior testimony.		3 processing report and the lift tags.	
4 THE WITNESS: Yes.		4 BY MS. TARABISHY:	
5 BY MS. TARABISHY:		5 Q. And the location of the latent prints	
6 Q. And on that case jacket you summarized		6 lift, where would you get this information?	
7 the identifications that you made in this		7 A. From the lift tags and the crime scene	
8 case; correct?		8 processing report.	
9 MS. CANONIE: Objection; form,		9 Q. Going through the remainder of the	
10 foundation, mischaracterizes prior testimony.		10 information on this case jacket, it records	
11 THE WITNESS: Yeah. Indications that		11 the four identifications that were made to	
12 indicated on the front of this case jacket,		12 Davion Allen's prints and the locations for	
13 yes.		13 each; correct?	
14 BY MS. TARABISHY:		14 MS. CANONIE: Objection; form,	
15 Q. So was it the policy of examiners in		15 document speaks for itself.	
16 the latent print unit to record their		16 THE WITNESS: Yes.	
17 identifications on the case jackets?		17 BY MS. TARABISHY:	
18 MS. CANONIE: Objection; form.		18 Q. So it says, "right thumb print," and	
19 THE WITNESS: Yes.		19 that was found on a black and orange sticker,	
20 BY MS. TARABISHY:		20 number 1A; correct?	
21 Q. So on the left part of the case jacket		21 A. I'm trying to locate that one.	
22 at the top it indicates that the examination		22 Q. Where -- under the suspect's name,	
23 was requested by a court order. Do you see		23 Davion Allen.	
24 that; correct?		24 A. The top left?	

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40 (157 to 160)

	157		159
1 Q. Yes. Sorry. Above his name. I have		1 A. Yes.	
2 ridge impression from black and orange		2 Q. Under that we have -- if you can	
3 sticker, and under that --		3 scroll down, please, recording another	
4 A. Yes, I --		4 identification that you and Mr. Calvo made,	
5 (Indiscernible simultaneous		5 and we have the name of the suspect as Lamont	
6 colloquy.)		6 Campbell; correct?	
7 BY MS. TARABISHY:		7 A. Yes.	
8 Q. -- name, mm-hmm, right thumb print on		8 Q. And it indicates that Lamont	
9 black and orange sticker, number 1A in		9 Campbell's right thumb was found on passenger	
10 parentheses; correct?		10 front exterior door latch, on 1992 Pontiac	
11 A. Yes.		11 license plate DL5521; correct?	
12 Q. And then in the middle portion we have		12 MS. CANONIE: Objection; form,	
13 the numbers 2, 3, and 4, continuing the		13 document speaks for itself.	
14 identification for Davion Allen; correct?		14 THE WITNESS: Yes, yes, mm-hmm.	
15 MS. CANONIE: Objection; form,		15 BY MS. TARABISHY:	
16 document speaks for itself.		16 Q. Okay. Let's look at the right side of	
17 THE WITNESS: Yes.		17 the jacket, please.	
18 BY MS. TARABISHY:		18 MS. TARABISHY: Okay. You can zoom	
19 Q. Left index print found on hood of		19 back in.	
20 green Pontiac Bonneville, lift number 12-2;		20 BY MS. TARABISHY:	
21 correct?		21 Q. Here we have the word "suspect"	
22 MS. CANONIE: Form, document speaks		22 crossed out, and we have the name "Khaled	
23 for itself.		23 Ibrahim"; correct?	
24 THE WITNESS: Yes.		24 A. Yes.	
	158		160
1 BY MS. TARABISHY:		1 Q. And that's one of the victims; right?	
2 Q. For number 3 we have the left palm		2 A. Yes.	
3 print found on fender of green Pontiac		3 Q. And it indicates that his left index	
4 Bonneville, lift number 13A; correct?		4 print was found on green sticker luxury car;	
5 MS. CANONIE: Objection; form,		5 correct?	
6 document speaks for itself.		6 MS. CANONIE: Form; document speaks	
7 THE WITNESS: This is kind of small.		7 for itself.	
8 MS. CANONIE: Can you zoom in?		8 THE WITNESS: Yes.	
9 THE WITNESS: Yeah. Zoom in, yes.		9 MS. TARABISHY: Can you zoom back out,	
10 BY MS. TARABISHY:		10 please?	
11 Q. Can you see this?		11 BY MS. TARABISHY:	
12 A. No, we're at number 2 or number 3?		12 Q. In each of these three sections,	
13 MS. TARABISHY: Three.		13 summarizing the identifications, we have your	
14 THE WITNESS: Oh, 3, okay.		14 name and star number as the examiner; correct?	
15 BY MS. TARABISHY:		15 A. Yes.	
16 Q. Left palm print found on fender of		16 Q. And Joseph Calvo's name and star	
17 green Pontiac Bonneville, lift number 13A?		17 number appear as the corroborator; correct?	
18 A. Yes.		18 A. Yes.	
19 Q. Yes?		19 Q. Moving on to the next page, city	
20 A. Uh-huh.		20 20714 -- I'm sorry. Not this page, the page	
21 Q. And for number 4 we have the right		21 number 3.	
22 palm print of Davion Allen found on driver's		22 A. Yes.	
23 side, front fender of green Pontiac		23 Q. On the top left, this case jacket says	
24 Bonneville, number 14B; correct?		24 [as read]:	

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41 (161 to 164)

	161		163
1 "Elim - no comp. Victim 2 number 1 - Khaled."		1 experience?	
3 Do you see that?		2 MS. CANONIE: Objection; form, 3 foundation, calls for speculation.	
4 A. Yes.		4 MS. BARBER: And I just have a 5 standing objection to you asking him to 6 interpret somebody else's report. I -- or 7 writing or what, I'm not sure that you've even 8 established that. But, you know, I understand 9 what you're trying to do, but I'm not sure 10 that this is the proper way to do that.	
8 A. Yes.		11 BY MS. TARABISHY:	
9 Q. When you reviewed this case jacket, 10 what did you interpret this notation to mean?		12 Q. Can you answer the question, 13 Mr. Malone?	
11 MS. CANONIE: Objection; form, 12 mischaracterized previous testimony.		14 A. Could you repeat that last one, ma'am?	
13 THE WITNESS: It states no comparison 14 of the elim, elimination prints of victim, I. 15 Khaled.		15 Q. Of course.	
16 BY MS. TARABISHY:		16 The "FPs only" parentheses, what does 17 that mean in your experience?	
17 Q. So the "elim" is shorthand for 18 "elimination print"?		18 MS. CANONIE: Objection; form, 19 foundation, calls for speculation.	
19 MS. CANONIE: Objection; form, 20 foundation.		20 THE WITNESS: That there were only 21 fingerprints available for the elimination 22 person, I. Khaled, and there were no palm 23 prints available for comparison against the 24 palm impression.	
21 THE WITNESS: Yes.			
22 BY MS. TARABISHY:			
23 Q. And "no comp" means no identification 24 was made?			
	162		164
1 MS. CANONIE: Objection; form, 2 foundation, calls for speculation.		1 BY MS. TARABISHY:	
3 THE WITNESS: No comparisons, which 4 means a negative comparison.		2 Q. Next, underneath that there's a 3 section that is partially typewritten, and it 4 says "AFIS hit" at the top. Do you see that?	
5 BY MS. TARABISHY:		5 A. Yes.	
6 Q. A negative comparison means that 7 Khaled Ibrahim's prints were excluded as the 8 source?		6 Q. So similar to the case jacket where 7 you recorded your identifications, this 8 section has the details on a fingerprint lift 9 that resulted in an AFIS hit; correct?	
9 MS. CANONIE: Objection; form, 10 mischaracterizes the testimony.		10 MS. CANONIE: Objection; form, 11 mischaracterizes prior testimony.	
11 THE WITNESS: That whatever prints he 12 compared to, to Khaled's prints did not match.		12 THE WITNESS: Yes.	
13 BY MS. TARABISHY:		13 BY MS. TARABISHY:	
14 Q. And these shorthand notations, the 15 "elim" and "no comp," is this language that 16 you would use in communicating fingerprint 17 examination results at the latent print unit?		14 Q. And under that it says, in handwriting 15 [as read]:	
18 MS. CANONIE: Objection; form, 19 foundation.		16 "Open FP plus palm."	
20 THE WITNESS: It was -- some of it is 21 used for abbreviation, yeah.		17 And in parentheses [as read]:	
22 BY MS. TARABISHY:		18 "No comp, AFIS."	
23 Q. And then in parentheses it says, "FPs 24 only." What does that mean, in your		19 What do you take this to mean based on 20 your experience?	
		21 MS. CANONIE: Objection; form, 22 foundation, calls for speculation.	
		23 THE WITNESS: That there were open 24 fingerprints and palm prints, and -- and that	

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42 (165 to 168)

	165		167
1 they were searched through AFIS, and there was 2 no hit.		1 So that again, means it was a negative 2 comparison to these two individuals; correct?	
3 MS. ROCHE: Noor, if now's a good spot 4 to take a five-minute break, is that possible? 5 Or if you want to keep going to finish this 6 document, it's totally up to you, but I'm just 7 hoping we can take like a five-minute break.		3 MS. CANONIE: Objection; form, calls 4 for speculation, foundation.	
8 MS. TARABISHY: Yeah. I just have a 9 few more questions on this document, but if 10 you need to take a break, it's fine if we take 11 it.		5 THE WITNESS: Yes.	
12 MS. ROCHE: That's totally fine. We 13 could finish this document.		6 BY MS. TARABISHY:	
14 MS. TARABISHY: Okay. Thank you.		7 Q. Following that, it has the names 8 Troshawn McCoy in a circle, then Charles 9 Johnson, Lashawn Ezell in a circle, and Larod 10 Styles, and again says, "no comp." 15 --	
15 BY MS. TARABISHY:		11 MS. CANONIE: Object --	
16 Q. Let's go down to page 5 of the PDF 17 Bates Number City 20751.		12 BY MS. TARABISHY:	
18 MS. TARABISHY: I'm sorry. Go back.		13 Q. -- February '96, palms, plus 26 14 February '96 FPS?	
19 MS. CANONIE: I'm sorry. Are we 20 looking at the same document? I thought we 21 were staying on the same document.		15 Based on your experience, what do you 16 interpret this to mean?	
22 MS. TARABISHY: We're on the same 23 exhibit, but I'm sorry, I misspoke. I meant 24 page 4, and that's Bates Number City 20715.		17 MS. CANONIE: Objection; form, calls 18 for speculation.	
1 BY MS. TARABISHY:	166	19 Are you asking him to interpret it as 20 he sits here today or back then?	
2 Q. Do you have that document with you, 3 Mr. Malone?		21 MS. TARABISHY: I think my question 22 was clear.	
4 A. Yes, yes.		23 BY MS. TARABISHY:	
5 Q. At the top it says [as read]:		24 Q. Can you answer, Mr. Malone?	
6 "Rodney Graham, number 7 959742. No comp, in 8 parentheses, FP only. 11, 9 December '95."			168
10 And again, no comp -- well, let me ask 11 you, based on your experience and your review 12 of these case jackets when you took on this 13 assignment, what do you understand "no comp" 14 to mean?		1 A. That there was a negative comparison 2 to the subject.	
15 MS. CANONIE: Objection; form, 16 foundation mischaracterizes the testimony, 17 calls for speculation. He did not write this 18 envelope.		3 Q. So they're both their palm prints and 4 their fingerprints?	
19 THE WITNESS: That it was a negative 20 comparison to that -- fingerprints of -- of 21 that individual, Rodney Graham.		5 MS. CANONIE: Objection; form, calls 6 for speculation, mischaracterizes previous 7 testimony.	
22 BY MS. TARABISHY:		8 THE WITNESS: Yeah.	
23 Q. Next it says, "Charles Johnson" and 24 "Troshawn McCoy," and again says, "no comp."		9 That -- I -- that, I couldn't say. I can't 10 understand from this.	
		11 BY MS. TARABISHY:	
		12 Q. Do you see underneath it says in big 13 type "no comp, palms"?	
		14 A. Yeah, but it's down there by itself so 15 it's, you know, so I can't say as to what 16 that -- if that's meant for all those 17 individuals or not. So, yeah, I can't say.	
		18 Q. Fair enough.	
		19 No comp palms by itself means no -- no 20 identification to a palm print?	
		21 MS. CANONIE: Objection; form, 22 mischaracterizes previous testimony.	
		23 THE WITNESS: In this -- that being by 24 itself I couldn't say.	

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43 (169 to 172)

	169	171
1 BY MS. TARABISHY:		1 of these two victims.
2 Q. Let's scroll down to page 5 of the		2 BY MS. TARABISHY:
3 PDF, please. That's Bates Number City 20751.		3 Q. Negative comparison to the latent
4 In the upper left corner we again have "elim,		4 prints contained in this jacket?
5 no comp. Victim number 1, Khaled Ibrahim."		5 MS. CANONIE: Objection; form,
6 And then "elim, no comp. Victim number 2,		6 foundation, mischaracterizes previous
7 Yosef Ali."		7 testimony, calls for speculation.
8 Do you see that?		8 THE WITNESS: That, I couldn't say.
9 A. Yes.		9 That's not clear as to which
10 Q. So this indicates that the latent		10 particular -- whether it was just the prints
11 prints in this jacket were compared to the		11 in that jacket or not.
12 elimination prints of the two victims, and the		12 BY MS. TARABISHY:
13 result was an exclusion; correct?		13 Q. Under that it says [as read]:
14 MS. CANONIE: Objection; form,		14 "Nine negs. No ID. One
15 foundation, mischaracterizes previous		15 suitable. No comp AFIS."
16 testimony, calls for speculation.		16 And what do you interpret this to mean
17 THE WITNESS: There was a negative		17 based on your experience?
18 comparison to those two elimination -- test of		18 MS. CANONIE: Objection; form,
19 elimination prints.		19 foundation, calls for speculation.
20 BY MS. TARABISHY:		20 THE WITNESS: I can't. That's too
21 Q. Under that it says [as read]:		21 vague.
22 "Six lifts, no ID. One		22 MS. TARABISHY: Now would be a good
23 good."		23 time. I'm done with this exhibit. Thank you.
24 Under that [as read]:		24 We can take a quick five-minute break.
	170	172
1 "Not for AFIS. Five not		1 THE VIDEOGRAPHER: We are going off
2 suitable."		2 the record at 1:47.
3 What do you interpret this to mean		3 (A recess was had.)
4 based on your experience?		4 THE VIDEOGRAPHER: We are back on the
5 MS. CANONIE: Objection; form,		5 record at 1:58.
6 foundation, calls for speculation.		6 BY MS. TARABISHY:
7 THE WITNESS: Oh, I can't say. That's		7 Q. Before we took a break --
8 too vague for me to say.		8 MS. TARABISHY: Can we pull up the
9 BY MS. TARABISHY:		9 Exhibit 336 again, please?
10 Q. Let's go down to page 7 of the PDF,		10 And go to page 3, Bates Number City
11 Bates Number City 20763.		11 20714. Scroll down to the bottom left,
12 A. I have it.		12 please. Thank you.
13 Q. We again have [as read]:		13 BY MS. TARABISHY:
14 "Elim, no comp, FP only.		14 Q. So before we took a break, I asked you
15 Victim number 1, Khaled		15 about some notations on the old case jackets
16 Ibrahim. No comp. FP		16 and you said they were vague. Remember that,
17 only. Victim number 2		17 Mr. Malone?
18 Yosef Ali."		18 A. Yes.
19 What do you interpret this to mean		19 Q. So let's -- looking at the lower left
20 based on your experience?		20 where it says "eight lifts," what do you take
21 MS. CANONIE: Objection; form,		21 "eight lifts" to mean based on your
22 foundation, calls for speculation.		22 experience?
23 THE WITNESS: That these two victims,		23 MS. CANONIE: Objection; form,
24 there was a negative comparison to the prints		24 foundation, calls for speculation.

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44 (173 to 176)

	173	175
1 THE WITNESS: Eight lifts, eight lifts 2 in the jacket. 3 BY MS. TARABISHY: 4 Q. And next to that, "1 ID." Would that 5 indicate that one identification was made out 6 of the latent prints in this jacket? 7 MS. CANONIE: Objection; form, 8 foundation, calls for speculation, 9 mischaracterizes previous testimony. 10 THE WITNESS: No. I couldn't say what 11 that would mean exactly. It notes specific 12 information right there. 13 BY MS. TARABISHY: 14 Q. And the "four palms, 4 FPs," what do 15 you take this to mean based on your 16 experience? 17 MS. CANONIE: Objection; form, 18 foundation, calls for speculation. 19 THE WITNESS: Without any other 20 information, that's too vague for me to say 21 what they mean. 22 BY MS. TARABISHY: 23 Q. Now, going to page 5 of the PDF Bates 24 Number City 20751, do you see where it says	1 THE WITNESS: That without any 2 specifics with it enclosed in the parentheses, 3 I couldn't say what they -- what they mean 4 there. 5 BY MS. TARABISHY: 6 Q. So in your work as a latent print 7 examiner, would you use the notation "no ID" 8 on a case jacket? 9 MS. CANONIE: Object to form, 10 incomplete hypothetical. 11 THE WITNESS: No, not by itself, no. 12 BY MS. TARABISHY: 13 Q. How would you -- what do you mean "not 14 by itself"?	
1 "six lifts"?	174	176
2 A. Okay. One second. That is -- I'm 3 sorry. What was that again, can you repeat 4 that part? 5 Q. "Six lifts," do you see that -- 6 A. Yes. 7 Q. -- in the left -- 8 A. Mm-hmm. 9 Q. Do you take this to mean there are six 10 lifts inside this case jacket? 11 MS. CANONIE: Objection; form, 12 foundation, calls for speculation, 13 mischaracterizes previous testimony. 14 THE WITNESS: Yeah, I do. It -- 15 without it being more specific, I couldn't 16 say. 17 BY MS. TARABISHY: 18 Q. And the "no ID," what do you -- 19 MS. CANONIE: Objection; form. 20 BY MS. TARABISHY: 21 Q. -- take this to mean based on your 22 experience? 23 MS. CANONIE: Objection; form, 24 foundation, calls for speculation.	1 in the latent print unit? 2 MS. CANONIE: Objection; form, 3 foundation. You -- are you asking about him 4 or the unit? 5 BY MS. TARABISHY: 6 Q. The usage of the word "no ID" in the 7 latent print unit where you worked for two 8 decades. 9 MS. CANONIE: Objection; form, 10 foundation, calls for speculation, incomplete 11 hypothetical. 12 BY MS. TARABISHY: 13 Q. You can answer. 14 A. No, the word -- no I -- the word "no 15 ID," that wasn't -- that's not a term that 16 while I was a latent print examiner, that we 17 used. 18 Q. An ID means an identification; 19 correct? 20 MS. CANONIE: Objection; form, 21 foundation, mischaracterizes previous 22 testimony. 23 THE WITNESS: "No ID" is not a term 24 that we would write or use.	

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45 (177 to 180)

	177	179
1 BY MS. TARABISHY:		1 20763.
2 Q. And my question was: When you used		2 BY MS. TARABISHY:
3 the word "ID," do you mean an identification?		3 Q. Do you see in the left portion under
4 MS. CANONIE: Objection; form,		4 the line where it says "9 NEGS"?
5 mischaracterizes previous testimony, calls for		5 A. The left portion, 9 -- yes, I see
6 speculation.		6 that.
7 THE WITNESS: We wouldn't use the word		7 Q. What do you interpret "9 NEGS" to mean
8 "ID" by itself.		8 based on your experience?
9 BY MS. TARABISHY:		9 MS. CANONIE: Objection; form,
10 Q. Next to the "no ID" in parentheses it		10 foundation, calls for speculation.
11 says [as read]:		11 THE WITNESS: Well, I can't -- I don't
12 "One good. Not for AFIS."		12 know what they might be indicating there.
13 What do you interpret this to mean,		13 BY MS. TARABISHY:
14 based on your experience?		14 Q. Is this a case jacket that you looked
15 MS. CANONIE: Objection; form,		15 at when you initially received the assignment
16 foundation, asked and answered, calls for		16 to work on the Charles Johnson case by
17 speculation.		17 Mr. Simon?
18 THE WITNESS: Without them referring		18 A. I was -- this would have been included
19 to anything in particular, I can't say what		19 with the other jacket. So, yes, I would have
20 you mean.		20 seen it, yes.
21 BY MS. TARABISHY:		21 Q. And if I'm understanding your
22 Q. What do you mean by "anything in		22 testimony today, when you looked at the word
23 particular"?		23 "9 NEGS," you just didn't know what it meant?
24 Wouldn't they be referring to the		24 MS. CANONIE: Objection; form,
	178	180
1 latent prints included in this jacket?		1 mischaracterizes previous testimony.
2 MS. CANONIE: Objection; form, calls		2 THE WITNESS: Well, we --
3 for speculation.		3 MS. CANONIE: -- also speculation.
4 THE WITNESS: That -- I don't know		4 THE WITNESS: We -- our -- our job
5 that. I couldn't say.		5 wasn't at that time to necessarily read all
6 BY MS. TARABISHY:		6 the stuff that was on the jacket. We were
7 Q. Next to that it says [as read]:		7 just doing what was in the court order.
8 "Five not suitable."		8 BY MS. TARABISHY:
9 What do you interpret this to mean		9 Q. Right. And my question was:
10 based on your identifi- -- based on your		10 When -- as part of the work that you did
11 experience.		11 pursuant to the court order, you looked at the
12 MS. CANONIE: Objection; form,		12 case jacket. You were saying that you did not
13 foundation, calls for speculation.		13 understand what "9 NEGS" meant. This is my
14 THE WITNESS: With it not referring to		14 question: Do you understand what "9 NEGS"
15 anything in particular, I couldn't say.		15 means?
16 BY MS. TARABISHY:		16 MS. CANONIE: And that was compound.
17 Q. Would it mean there are five prints		17 Can you ask your exact -- your question again?
18 that are not suitable for comparison?		18 BY MS. TARABISHY:
19 MS. CANONIE: Objection; form, calls		19 Q. Yes. My question is: Do you
20 for speculation, asked and answered.		20 understand what "9 NEGS" means?
21 THE WITNESS: Again, by itself I		21 MS. CANONIE: Objection; asked and
22 couldn't say what they're talking about.		22 answered, calls for spec- -- form, and calls
23 MS. TARABISHY: Let's go to page 7 of		23 for speculation.
24 the PDF, please. That's Bates Number City		24 THE WITNESS: Well, we didn't have to

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46 (181 to 184)

	181	183
1 understand what it meant, because we weren't 2 reviewing what the other examiners did. So we 3 would have noted -- we would have observed 4 what they wrote on the jacket, but it really 5 didn't matter. So I really wouldn't have to 6 understand or look into what "9 NEGS" meant. 7 So I don't know what it meant.	1 THE WITNESS: Correct. 2 BY MS. TARABISHY: 3 Q. So can you list those different things 4 for me? 5 A. No. 6 Q. So it is your testimony today under 7 oath Mr. Malone that you do not know what 8 "NEGS" means in your decades of experience at 9 the latent print unit? Am I understanding 10 that --	
8 BY MS. TARABISHY: 9 Q. And as you sit here today, what is 10 your understanding of what "9 NEGS" means? 11 MS. CANONIE: Objection; form, asked 12 and answered. 13 THE WITNESS: On this case jacket, I 14 don't know what it means.	11 MS. CANONIE: Objection -- 12 BY MS. TARABISHY: 13 Q. -- correctly? 14 MS. CANONIE: Objection; form, asked 15 and answered. He's already said he -- you 16 need -- "NEGS" could mean -- he 17 doesn't -- there's no context.	
15 BY MS. TARABISHY: 16 Q. And what about in the profession of 17 latent print examination, what would the word 18 "NEG" be shorthand for? 19 MS. CANONIE: Objection; form, calls 20 for speculation, asked and answered. 21 THE WITNESS: That information by 22 itself, I don't know. It can mean a lot of 23 things, so I can't say. 24	18 MS. TARABISHY: I'm sorry, Carson. I 19 got your objection, now it's time for 20 Mr. Malone to please answer. 21 MS. CANONIE: Calls for speculation. 22 THE WITNESS: No. I do not know what 23 "NEGS" means. 24 MS. TARABISHY: You can take down the	
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1 BY MS. TARABISHY: 2 Q. A lot of things like what? 3 A. I wouldn't speculate. 4 Q. I'm not asking you to speculate. You 5 just said it could mean a lot of things in 6 your profession. So a lot of things like 7 what? Can you list -- 8 A. My -- 9 (Indiscernible simultaneous 10 colloquy.) 11 THE COURT REPORTER: I'm sorry. 12 THE WITNESS: -- could mean anything. 13 THE COURT REPORTER: I'm sorry. Can 14 you repeat that? I didn't get the beginning. 15 THE WITNESS: Me or her? 16 THE COURT REPORTER: You, Mr. Malone. 17 My apologies. 18 THE WITNESS: Yes. I don't know what 19 "NEGS" might mean. 20 BY MS. TARABISHY: 21 Q. You said it could mean a lot of 22 different things; correct? 23 MS. CANONIE: Objection; 24 mischaracterizes previous testimony.	1 exhibit. Thank you. 2 BY MS. TARABISHY: 3 Q. Do you stand by the work that you and 4 Mr. Calvo did in this case? 5 MS. CANONIE: Objection; form. 6 THE WITNESS: Yes. 7 BY MS. TARABISHY: 8 Q. Do you have a reasonable degree of 9 confidence in the identifications that you and 10 Mr. Calvo did in this case? 11 MS. BARBER: Those are asked -- those 12 questions are asked and answered. 13 BY MS. TARABISHY: 14 Q. You said, "yes"? 15 A. Yes. 16 Q. Based on your review of the documents 17 and latent print evidence in this case, there 18 was no indication that Charles Johnson, Larod 19 Styles, Lashawn Ezell or Troshawn McCoy were 20 matched to any of the latent prints recovered 21 from the crime scene in this case; correct? 22 MS. CANONIE: Objection; form, 23 foundation, calls for speculation, 24 mischaracterizes previous testimony.	

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1 THE WITNESS: I'm sorry. Repeat that		1 BY MS. CANONIE:	
2 part again, that last question.		2 Q. I believe -- scratch that.	
3 MS. TARABISHY: Can you read the		3 Earlier you testified this document	
4 question back?		4 was a -- addendum to that previous report; is	
5 THE COURT REPORTER: Okay. I might		5 that correct?	
6 have butchered some of the names, but please		6 A. Yes.	
7 stand by.		7 Q. And these two reports summarize or	
8 (The requested testimony		8 indicate -- summarizes the work you did on	
9 was read back.)		9 this case; is that correct?	
10 MS. CANONIE: Did you get my		10 A. Yes.	
11 objection?		11 Q. Any work that you did on this case	
12 THE COURT REPORTER: I did get the		12 would be summarized here?	
13 objection, correct.		13 MS. ROCHE: Objection; form.	
14 MS. BARBER: I'm just going to object		14 BY MS. CANONIE:	
15 also that it's vague as to what you're		15 Q. You also testified earlier that the	
16 referring to, what documents, what it asks,		16 work you did on this case was pursuant to a	
17 et cetera.		17 court order that we looked at extensively	
18 BY MS. TARABISHY:		18 today; is that correct?	
19 Q. You can answer, Mr. Malone?		19 A. Yes.	
20 A. Yeah, I don't recall.		20 Q. So is it fair to say any work	
21 Q. You don't recall seeing any		21 summarized, or any work -- strike that.	
22 documentation indicating that there was a		22 So any work you did was according to	
23 fingerprint match to Charles Johnson, Larod		23 the direction of the court order?	
24 Styles, Lashawn Ezell or Troshawn McCoy;		24 MS. TARABISHY: Objection; form.	
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1 correct?		1 THE WITNESS: Yes.	
2 MS. CANONIE: Objection; form,		2 BY MS. CANONIE:	
3 mischaracterizes previous testimony.		3 Q. Okay. Earlier today Ms. Tarabishy	
4 THE WITNESS: Not without reviewing		4 asked you about doing an analysis of the other	
5 any documents.		5 latent print for which Mr. Moses did not	
6 MS. TARABISHY: I have no more		6 have -- or did not send a tracing of.	
7 questions for you, Mr. Malone. Does any of		7 Do you recall that testimony?	
8 the other attorneys have questions?		8 A. Yes.	
9 MS. CANONIE: I do. I don't know if		9 Q. Based -- or you indicated that	
10 plaintiffs do.		10 you -- scratch that.	
11 MS. ROCHE: None for Ezell.		11 Did she also ask you -- or scratch	
12 MR. NEULEIB: No questions for McCoy.		12 that.	
13 MS. CHOI: None from Alesia.		13 Do you recall what you did, if	
14 MR. MAIONE: None from Styles.		14 anything, with the other prints that did not	
15 MS. CANONIE: Okay. Can you pull up		15 have a tracing?	
16 Exhibit 214, please?		16 MS. TARABISHY: Objection; form.	
17 THE TECHNICIAN: One moment.		17 THE WITNESS: No.	
18 EXAMINATION		18 BY MS. CANONIE:	
19 BY MS. CANONIE:		19 Q. You don't recall what you did or	
20 Q. Mr. Malone, earlier you testified		20 didn't do or --	
21 regarding this document. Is this your report?		21 A. I don't recall what I did or didn't	
22 A. Yes.		22 do.	
23 MS. CANONIE: Can you pull up 216,		23 Q. And anything you would have done with	
24 please?		24 those prints -- or that did not have a	

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1 tracing, would you have recorded it in your 2 report? 3 MS. TARABISHY: Objection; form. 4 THE WITNESS: Yes. 5 BY MS. CANONIE: 6 Q. Would you have done any additional 7 analysis that was not set forth in the court 8 order we looked at today? 9 MS. TARABISHY: Objection; form. 10 THE COURT REPORTER: I'm sorry. Can 11 you repeat that, Mr. Malone? I didn't get the 12 answer. 13 THE WITNESS: No, I would have not. 14 No, I would have not. 15 MS. CANONIE: Okay. That is all my 16 questions. 17 MS. TARABISHY: I have no further 18 questions. 19 MS. BARBER: I don't think I put it on 20 the record earlier, but I don't have any 21 questions. 22 MS. TARABISHY: Thank you for your 23 time, Mr. Malone. 24 THE VIDEOGRAPHER: If there are no	189	1 STATE OF ILLINOIS) 2) SS: 3 COUNTY OF C O O K) 4 I, ANGELA C. LOISI, CSR, RPR, FCRR, an 5 Officer of the Court, do hereby certify that 6 heretofore, to wit, on November 9, 2021, 7 remotely appeared before me, from Cook 8 County, Illinois, MICHAEL MALONE, in a cause 9 now pending and undetermined in the United 10 States District Court for the Northern 11 District of Illinois Eastern Division, 12 wherein LASHAWN EZELL, et al., are the 13 plaintiffs, and CITY OF CHICAGO, et al., are 14 the defendants. 15 I further certify that the said witness 16 was first duly sworn to testify the truth, 17 the whole truth and nothing but the truth in 18 the cause aforesaid; that the testimony then 19 given by said witness was reported 20 stenographically by me in the remote 21 presence of the said witness, and afterwards 22 reduced to digital format by Computer-Aided 23 Transcription, and the foregoing is a true 24 and correct transcript of the testimony so	191
1 further questions, this marks the end of the 2 deposition of Michael Malone. We are going 3 off the record at 2:18. 4 THE COURT REPORTER: And would anyone 5 like to order the transcript? 6 MS. TARABISHY: Yeah, we'll order one. 7 MS. CANONIE: We'll order it as well. 8 * * * FURTHER DEPONENT SAITH NOT * * * 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	190	1 given by said witness as aforesaid. 2 I further certify that the signature to 3 the foregoing deposition was not requestd 4 for the respective parties. 5 I further certify that the taking of 6 this deposition was pursuant to notice, and 7 that remotely present at the deposition were 8 the attorneys hereinbefore mentioned. 9 I further certify that I am not counsel 10 for nor in any way related to the parties to 11 this suit, nor am I in any way interested in 12 the outcome thereof. 13 IN TESTIMONY WHEREOF: I have hereunto 14 set my verified digital signature this 15 November 9, 2021. 16 17 18 19 20 <i>Angela C. Loisi</i> 21 _____ 22 Angela C. Loisi, CSR, RPR, FCRR 23 24	192

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